

**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:	2024/62/93623/W
Site Address:	90, Burn Road, Birchenccliffe, Huddersfield, HD2 2EG
Description:	Erection of detached garden room
Recommending Officer:	Molly Storer

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: 02-Apr-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/93623
Location	90, Burn Road, Birchenccliffe, Huddersfield, HD2 2EG
Proposal	Erection of detached garden room
Publicity end date	28 th March 2025
Number of representations received	Due to the site being within close proximity to a Listed Building the application was advertised via site and press notice and neighbour letters. No representations were received.
Kirklees Local Plan Allocation/Designation	The site is unallocated on the Kirklees Local Plan. However the site is located adjacent to the curtilage of a Listed Building. Grade II Listed Building Middle Burn Farm. Reference: HUD 16/1138 Description: C18. Barn (which was added later) is dated 1798. Rendered. Pitched stone slate roof. Coped gable on cut kneelers. 2 storeys. 1st floor has two 3-light and three 2-light stone mullioned windows (mullions removed). Ground floor has two 4-light and one.
Extension to Time (EoT)	31 st March 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 and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment
- NPPF Chapter 16 – Conserving and enhancing the historic 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
- **LP 35** – Historic Environment
- **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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	No	
Planning History	Yes	2020/91976 - Erection of two detached dwellings – Conditional Full Permission.

		Condition 8 of this application removes PD rights for the property: 8. 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) no development included within Classes A and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority. Reason: To prevent overdevelopment of the site, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
Consultations required	Yes	K.C. Conservation and Design – Raised no objections to the scheme.

Assessment

The application seeks permission for an outbuilding.

This will be located to the rear of the site in the northwest corner of the plot. It will measure 2.8m x 4m and will have a height to the eaves of 2.43m and an overall height of 2.78m with a slanted gable roof design. It will also have a decking area to the front which will be set 0.24m from ground level measuring 3.912 x 2.8m.

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	Yes – Due to the site's large garden area and no other existing extensions or other outbuildings the proposed outbuilding	

	will be subservient to the original building.	
be set back behind the building line of the original building so that they do not impact on the street scene;	Yes – the outbuilding would be to the rear of the property and would therefore have limited 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	Yes – the new development will leave more than 50% of private amenity space of the property. As the property only has two bedrooms there will be adequate amenity space to the potential number of occupants of the house.	

Design and Visual Amenity:

The application site relates to 90 Burn Road, a two storey detached property in the area of Birchencliffe. The property benefits from a driveway to the front, an integral garage and a large rear garden.

Planning history on the site shows that the property was constructed around 2020 along with another new dwelling adjacent to the east.

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	Limited views from public vantage points as will be located to the rear. The extension is significantly set back from the road such that it is concluded to have an acceptable impact upon the street scene.	✓

Impact on the Grade II Listed Building	• Policy LP35 • Chapter 16 of the NPPF	The application site is located adjacent to the curtilage of a Listed Building Middle Burn Farm. K.C. Conservation were consulted on the application and it is considered that due to the limited height and scale of the outbuilding and the siting of the outbuilding behind mature vegetation and at a separation distance of 30m to the buildings itself it is considered that there will be no significant impact to the character of the Grade II Listed Building or its setting.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Considered to be acceptable on the basis of being single storey and being located ~20m away from the host property into the rear garden.	✓
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	Single storey with a limited overall height of 2.78m, a roof form which will not cause significant harm and due to it not being build up to the boundary means that in terms of height, scale and massing the extension would be subservient to the original house and the wider street scene.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The walls are proposed to be softwood for the walls and softwood covered by EPDM roof membrane. This is considered acceptable.	✓

Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Shallow pitched gable roof considered acceptable as it will have limited visual impact.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Glazing to the front and east, side elevation however due to the enclosed nature of the property's rear the glazing is not considered to cause significant harm.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangement. External access to the rear of the property will remain.	✓

Paragraph 5.7 of the House Extensions and Alterations SPD sets out considerations in terms of dominance / visual amenity impact of conservatories, which has been accounted for in the assessment set out in this section of the report. 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:

- 92 Burn Road – Detached property located to the east of the application site. The outbuilding is to be located at a separation distance of 13m to the east site boundary. There is also a ~1.8m timber fence placed along this boundary. Due to these factors it is considered that this neighbour will not be significantly impacted by overshadowing or overlooking.
- Middle Burn Farm – Listed Building located ~28m to the north of the application site. Due to the limited height and scale of the outbuilding and the siting of the outbuilding behind mature vegetation and at a separation distance of 30m to Middle Burn Farm it is considered that there will be no significant impact in terms of overlooking/overshadowing to this property.

- There are no properties to the front or west which would be impacted by the development.

	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	N/A	✓
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	N/A	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of remaining garden space.	✓

Paragraph 5.7 of the House Extensions and Alterations SPD sets out considerations in terms of overlooking, which has been accounted for in the assessment set out in this section of the report. 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	N/A	N/A

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF		
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposal does not propose any additional bedrooms and adequate parking space remains on site.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary.	✓

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	N/A	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51	Small scale domestic development to an existing dwelling. As	✓

	Chapter 14 of the NPPF	such, no special measures required in terms of the planning application with regards to carbon emissions.	
Drainage and Flood Risk	- KDP 14 of the SPD - Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden 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		

Conclusion:

Regard has been given to the duties of the LPA in relation to Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas and Listed Buildings. In this case the proposal is considered to preserve the character of the Listed Building Middle Burn Fram given its scale, and distance from the building itself.

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: 2024/93623

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Key Design 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PP-13649016v1	-	02/01/2025
Proposed site/block plan Proposed plans and elevations	-	-	02/01/2025
Proposed plans and elevations	-	-	02/01/2025
Application form	-	-	02/01/2025
Brochure image	-	-	07/01/2025
Climate change statement	-	-	09/01/2025

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

Report Dated: 28/03/2025

