

**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:	2025/62/90236/E
Site Address:	Dearne Grange Cottage, Park Head Lane, Birds Edge, Huddersfield, HD8 8YA
Description:	Erection of garage incorporating garden store and music room and formation of driveway
Recommending Officer:	Nina Sayers

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: 04-Apr-2025

Officer Report

Site Description

Dearne Grange Cottage is a two-storey, mid-terraced property in Birds Edge, Huddersfield. The property is a modest two-storey property with a single storey rear extension. The site forms part of a small cluster of residential dwellings set within open fields.

The property is located in the Green Belt as allocated within the Kirklees Local Plan.

Description of Proposal

The application is seeking planning permission for the erection of a garage incorporating garden store and music room and formation of driveway.

The scheme proposes a 6m x 5.5m outbuilding serving a garage, music room and a store. It would have a pitched roof design and would be finished from larch cladding under a stone roof. The outbuilding would be located down the rear end of the garden, set 3.9m from the highway.

History of negotiations/amendments received

Amendments were sought to show a 6m x 3m internal space in the garage and to demonstrate that the proposal would not protrude above the roof of the house.

Relevant Planning History

2007/95415 - Conversion and extension of 1 dwelling into 2 - Conditional full permission.

2009/91722 - Erection of single storey extension - Conditional full permission.

2015/93735 - Non-material amendment to previous permission 2009/91722 for erection of single storey extension - Approved.

Representations

The application was advertised by site notice. Final publicity expired 07/03/2025. 1 representation was received in objection to the proposal which raised the following comments:

- Not safe to allow vehicle access onto the main road
- Large number of vehicles, including heavy goods vehicles, using the road
- Near a bend in the road so visibility could be reduced.

These comments will be addressed in section 6 of the report.

Consultation Responses

KC Highways (informal): No objections subject to condition.

KC Environmental Health (informal): recommended condition restricting amplified music.

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).

Kirklees Council has adopted supplementary planning guidance on house extensions 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.

The site is located in the Green Belt within the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP35** – Historic Environment
- **LP57** – The extension, alteration or replacement of existing buildings

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the erection of extensions and alterations to an existing dwelling.

Chapter 13 of the NPPF requires local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are outlined in paragraph 154 and includes “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

In this instance, the application site comprises a two-storey mid-terrace dwelling with a large amenity space. The dwelling has previously been extended to the rear at ground floor level. There is an existing timber shed to the rear of the garden. The scheme proposes a relatively modest outbuilding serving a garage, music room and a store.

The proposed outbuilding, when considered cumulatively with the existing extension, would cover a similar footprint to the original dwelling however both additions are single storey and therefore have a lesser volume. This is not including the existing shed which would be removed as part of the proposed development. The additions are therefore considered to be subservient to the host dwelling in terms of size. It is noted that the existing dwelling is set down, at a lower topographical level than the rear garden. Therefore, officers sought clarity from the applicant that the proposal would not protrude above the existing dwelling house roof ridgeline. A section was provided showing the proposed building would be set below the existing dwellings roofline by ~65cm.

There is an existing dwelling, set to the rear of the historic group of houses which replaced a former stable (approved under application 2020/91484). The

proposed outbuilding would somewhat align with this dwelling, which reduces the visual impact on a new building in this location.

Whilst a new development in this location would somewhat impact on openness, the development is considered to be subservient to the host dwelling and it is noted that the dwelling does still benefit from permitted development rights which could allow for a large outbuilding. The impact on openness will not be significant and the purposes of the Green Belt will be retained.

It must be noted that there is an existing dwelling, set to the rear of the historic properties

There is an existing access to the garden off Cumberworth Lane, which does appear to have allowed for vehicle access in the past. Whilst it is likely additional hardstanding would be required to facilitate the development; this would be minimal and could be installed without planning permission.

As such it is considered that the proposal would not be considered inappropriate development, complying with chapter 13 of the NPPF together with part of policy LP57 of the Kirklees Local Plan, and it is considered that the principle of the development is acceptable.

2 – Impact on visual amenity

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details’.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) given in the House Extensions and Alterations SPD reflect the above.

Section 5.30 of the House Extensions and Alterations SPD outlines that outbuildings should:

- 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; and
- 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.

An assessment of the subservience and impact on the original building, green belt, and wider setting of the site has been considered in the principle of development section of this report. The scheme would be set behind the

building line and would preserve sufficient amenity space in accordance with the House Extensions and Alterations SPD.

The proposed pitched roof design and stone finish would be in keeping with the existing dwelling and the proposed larch cladding finish would not be dissimilar to the existing dwelling to the east, or the existing shed within the application site. The timber finish would also be in keeping with the agricultural setting of the application site.

Having taken the above into account, the proposal would not cause significant harm to the visual amenity of the host dwelling or character of the Green Belt setting, complying with Policy LP24 and LP57 of the Kirklees Local Plan, KDP 1 & 2 of the House Extension and Alterations SPD and the aims of chapter 12 and 13 of the National Planning Policy Framework.

3 – Impact on residential amenity

The proposal would be a sufficient distance from all neighbouring properties to prevent any significant overbearing or overshadowing impact to neighbouring occupants. The scheme proposes a 'music room'. Officers sought clarity from the agent regarding this, who clarified the room is intended to be used by the applicant for practising acoustic guitar. Taking this into consideration, officers would not have any concerns regarding the impact on neighbouring occupants, however, in the event that planning permission is approved, it is recommended that a condition be attached that the room is not used for amplified music without a report specifying the measures to be taken to protect the neighbouring occupants from noise. KC Environmental Health were informally consulted on this and were satisfied with this approach.

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 and Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

The proposed development would utilise an existing access off Cumberworth Lane, although it is noted that the proposed use would likely result in the access being used more than currently.

Cumberworth Lane, which is not a classified highway, has a 40mph speed restriction adjacent to the site. A visibility splay of 45m is demonstrated on the submitted plans however it is apparent that a visibility splay of ~100m can be achieved which complies with the Highways Design Guide SPD.

The applicant was requested to amend the internal measurements of the proposed garage to 3x6m to comply with requirements for internal car parking spaces.

Subject to the proposed access being finished in a hardened and drained surface, KC Highways Development Management have no concerns regarding the proposal.

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 of the House Extensions and Alterations SPD.

5 – Other matters

There are no other matters for consideration.

6 – Representations

1 representation was received in objection to the proposal which raised the following comments which have been address by officers:

- Not safe to allow vehicle access onto the main road
- Large number of vehicles, including heavy goods vehicles, using the road
- Near a bend in the road so visibility could be reduced.

Officer response: the impact on highway safety has been carefully reviewed by KC Highways Officer's and is considered in the Highway Safety section of this report.

7 – Conclusion

This application for the erect a garage incorporating garden store and music room and formation of driveway at Dearne Grange Cottage, Park Head Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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, national planning policy framework and other material considerations. It is considered that the development would constitute sustainable development and would comply with national and local planning policy.

Recommendation: **Approval**

Decision Authorisation - Delegated Powers

Application Number: 2025/90236

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.

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 Policies LP7, LP20, LP21, LP22, LP24 and LP57 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12 and 13 of the National Planning Policy Framework.

3. The development shall not be brought into use until all areas indicated to be vehicle parking areas have been laid out with a hardened and drained surface 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. 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) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

4. The hereby approved 'music room' as demonstrated on the approved plans, shall not be used for amplified music until a report specifying the measures to be taken to protect the neighbouring occupants from noise have been submitted to and approved in writing by the Local Planning Authority and all works specified in the approved report have been carried out in full. Such works shall be thereafter retained.

Reason: To protect the amenity of neighbouring occupiers from noise in accordance with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: If any highway works are required for the vehicle access, this will need to be constructed under the section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification.

Interference with the highway without such permission is an offence which could lead to prosecution. The applicant is advised to contact the Kirklees Street scene team as soon as possible to determine the exact extent of the works required.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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 work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	2012-00-01	C	02/04/2025
Section	2012-00-02		

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

Amendments were sought to show a 6x3 internal space in the garage and to demonstrate that the proposal would not protrude above the roof of the house.

Report Dated: 02/04/2025