

ASC Planning Consultants Ltd,
8 Greenfield Mount,
Wakefield,
WF2 0TJ,
E. alex@ascplanning.co.uk
W. www.ascplanning.co.uk

Kirklees Council,
Planning and Development Service,
PO Box 1720,
Huddersfield,
HD1 9EL

20th February 2025

Dear Sir/Madam,

Applicant/Address: Mr P Kaye & Mrs J Kaye - Land adjacent to 67 Elm Tree Close, Norristhorpe, Liversedge, WF15 7BU.

Proposal Description: Retrospective Application (Section 73A of the TCPA 1990) for the change of use of land to domestic garden (in connection with no.19 Lodge Lane), formation of access and hard surfacing (recycled macadam planings), and erection of 2.0m high fencing, greenhouse, and gazebo.

This covering letter is submitted to accompany the Planning Application for the above change of use and works. In addition to this covering letter, the application is supported by the following:

- Completed Application Form.
- Site Location Plan.
- Existing Site Plan.
- Proposed Plans.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority (LPA) to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

The statutory Development Plan for Kirklees is the Kirklees Local Plan. The Kirklees Local Plan was adopted on 27th February 2019 and comprises the strategy and policies document, allocations and designations document and associated proposals map. Supplementary Planning Documents (SPDs) are also a material consideration and provide guidance to support the implementation of development plan policies.

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

The policies of the Local Plan (and Supplementary Planning Documents/Guidance) and National planning policy and guidance, where relevant, are referenced and addressed within the relevant sections of the report below.

Site Planning History

The only available site planning history for the site is the following:

- 2004/60/93390/E2 - Outline application for residential development (2 dwellings). Withdrawn 26.11.2004.

Site Location and Character

The site lies at the eastern edge of Norristhorpe village to the south-east of Liversedge and south of Heckmondwike. The site measures approximately 359m² and lies at the south-eastern end of Elm Tree Close, to the eastern side of the turning-head at the end of the cul-de-sac. No.19 Lodge Lane (the applicant) to which the land is associated lies approximately 55m to the west (blue line boundary). The site location is illustrated by the following aerial image.



Image 1: Site Location (Google Earth)

The site lies within a predominantly residential area, with residential dwellings and uses to the north, east and west. To the south of the site is agricultural land. Access to the site is via Lodge Lane, which runs perpendicular to Elm Tree Close, and comprises a single-track road (and footpath SPE/141/40), with a passing place to the front of the site. To the eastern side of the site, adjacent to the boundary, is a footpath (SPE/145/20) which leads to Norristhorpe Lane to the north.

Prior to the change of use (retrospective) the land comprised an unused area of grass/amenity land at the end of the cul-de-sac. Surrounding boundaries comprises 1.8-2m high timber fencing, stone wall and fencing, and hedgerows.

The site is unallocated within the Kirklees Local Plan (policies map). There are no (and were not any) trees or hedgerows on or immediately adjacent to the site that are affected. There are no heritage assets within close proximity, and the site lies within Flood Zone 1 (lowest probability of flooding) and there are no issues of surface water (as identified by mapping).

The Proposals

The proposals are retrospective and comprise the change of use of land to domestic garden (in connection with no.19 lodge lane), formation of access and hard surfacing (recycled macadam planings), and erection of 2.0m high fencing, greenhouse, and gazebo.

The land was purchased by the applicant on 22nd September 2023, with the works and change of use commencing from 9th December 2023. The land has been purchased and utilised by the applicant to create additional private garden amenity and parking. The proposals are illustrated by the following image.

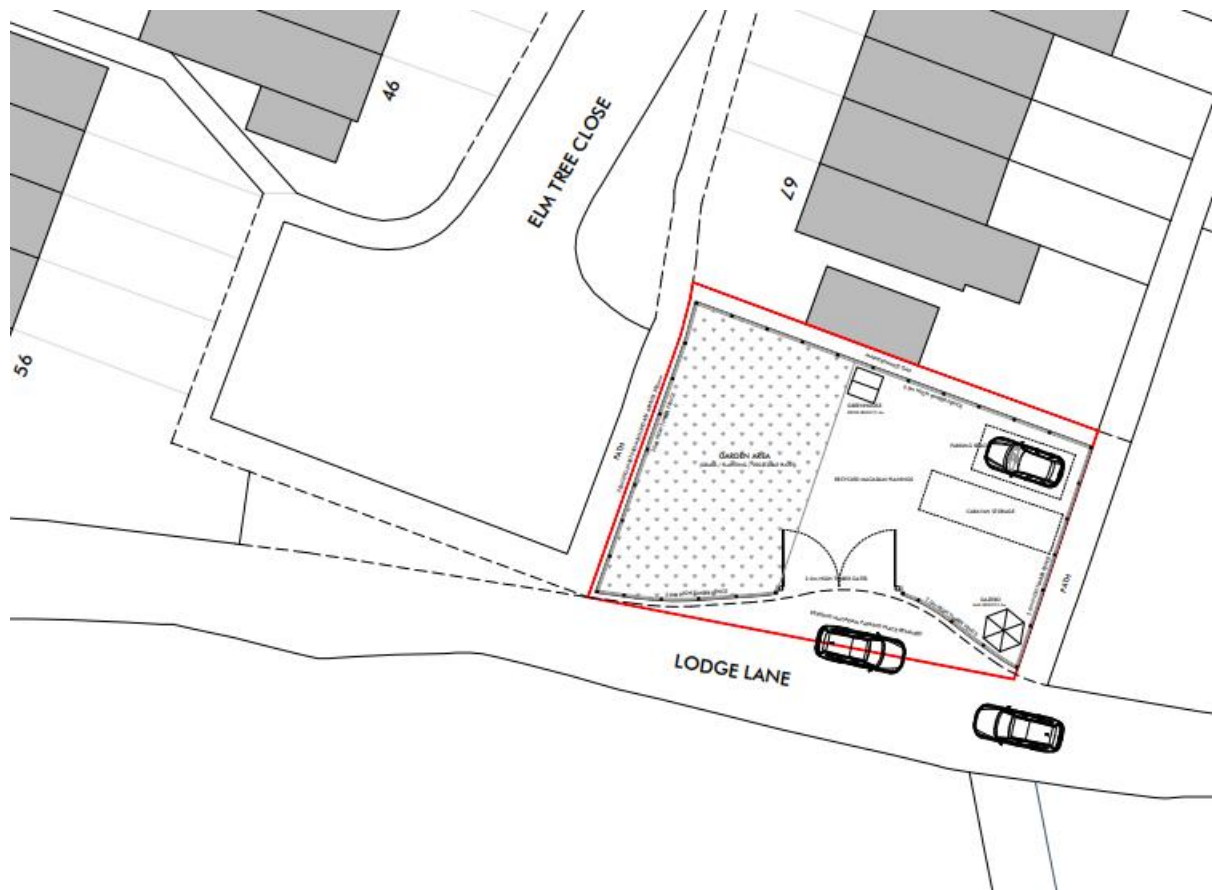


Image 2: Proposed Site Plan (Dwg no. 200, SK Design)

The western part of the site is utilised as a garden area, retained as grass and is used for the planting of flowers and vegetables, with a small area for seating. The greenhouse (as built) measures 1.50m x 1.50m, to a maximum height measuring 2.4m. The gazebo (as built) measures 2.30m x 2.30m, with a maximum height measuring 2.5m. The boundary fencing and gates measure 2.0m in height and are natural timber (which will allow for weathering).

Access to the site is via Lodge Lane, via a 6m wide access, with 2.0m high gates that open inwards. Within the site is a 2.5m x 5.0m parking space for one vehicle and space for the storage of the applicant's caravan. The existing 'passing place' adjacent to the southern boundary along Lodge Lane is retained as was existing.

The following site photographs illustrate the proposals as completed and the site context.



Image 3: Site Photographs

Taking into consideration the site character, location, constraints and proposals, the main issues for consideration which are addressed below comprise:

1. Principle of Development
2. Design, Character and Appearance (Impact on Visual Amenities)
3. Neighbour Amenities
4. Highway Safety and Parking

Principle of Development

Policy LP1 (Presumption in favour of sustainable development) of the Kirklees Local Plan (KLP) 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 NPPF.

The site is unallocated within the Kirklees Local Plan (Proposals Map). The site lies within the existing settlement, within an existing residential street and as such the 'use', in principle, is considered to accord with the development plan. In terms of the change of use and associated works, Policy LP24 (Design) of the KLP and Chapter 12 of the NPPF, regarding design are particularly relevant and are addressed within the following section.

Design, Character and Appearance (Impact on Visual Amenities)

Policy LP24 (Design) of the KLP is relevant states that [amongst other things] proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape. The NPPF also offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *"The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

The use of the land, as residential garden and storage (and parking) is in keeping with the surrounding character along Elm Tree close and Lodge Lane. The site lies at the corner of the street, and the proposed fencing, which is required for security purposes given the detached nature from the owner's property (no. 19 Lodge Lane) follows the existing building and boundary lines and is in keeping with the height and general design of boundaries, particularly to the southern side of 67 Elm Tree Close and which forms the southern and western boundary of Rivendell (35 to 37 Lodge Lane) to the east. The use of natural timber fencing will also weather over time in keeping with surrounding boundaries. The scale of the shed and gazebo are such that they do not form prominent features within the street above the height of the fence.

The boundaries of the site do not encroach onto the footpath or highway and ensure there is no restriction in visibility (that would have a harmful effect on highway safety – see relevant section below). A gap is also retained to the side boundary with no. 67 Elm Tree Close for maintenance purposes. The siting is such that the site benefits from passive surveillance from surrounding properties.

The location of the site at the corner of the cul-de-sac is such that it is not prominently located. The proposed use (residential), fencing and associated works and structures will be seen and read in conjunction with the surrounding existing residential uses and street. The enclosure of the space and use for residential purposes mirrors the opposite side of the turning head (comprises terraced dwellings and hedgerow that encloses the space). The head of the cul-de-sac that forms the main terminating view up Elm Tree Close will remain open. Overall, it is therefore considered that the proposed use and associated development will accord with the aforementioned policy and design guidance.

Neighbour Amenity

Policy LP24 (b and c), sets out that proposal should promote good design by, amongst other things, minimising the impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations SPD goes into further detail with respect of Key Design Principles 3, 5, and 6 that relate to the effects on privacy, overshadowing/loss of light, and preventing overbearing impacts.

The use of the land, for additional garden space and parking associated to no.19 Lodge Lane is commensurate with the surrounding residential uses. The nature of the change of use, its location and the scale of the development (fencing, shed and gazebo) are such that there are no significantly harmful effects to any neighbouring properties by virtue of any loss of privacy, overshadowing, loss of light, overbearing effects, or from any noise from its use. The proposals are considered to accord with Policy LP24, the guidance within the SPD and the NPPF.

Highway Safety

KLP Policies LP21 (Highways and access) and LP22 (Parking) are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As detailed above, access to the site is via a 6m wide gated access from Lodge Lane, which is generally a single width lane that runs perpendicular to Elm Tree Close (no vehicular access to the cul-de-sac Elm tree Close from Lodge Lane). The proposals will provide additional parking for the applicant (who reside at no. 19 Lodge Lane) and allow for the storage of their personal/private caravan. Without the site, parking and turning was restricted at their bungalow dwelling.

Within the site, there is sufficient space for turning to allow a vehicle to enter/egress in a forward gear. The existing 'passing place' is retained to the southern side of the site along Lodge Lane, and the positioning of the boundary fencing (as illustrated by the site plans and photographs) is such that there is no restriction to visibility for any vehicles passing from either an eastwards or westwards direction. The positioning of the access gates, which open inwards to the site, and boundary fence line, taken in combination with the open passing place, is such that there is good visibility to Lodge Lane. Any vehicles entering or egressing the site will be in forward gear and slow moving. The proposals do not increase the 'amount' of traffic associated to the dwelling no. 19 Lodge Lane but rather create a more practical, safer and secure arrangement for the parking and storage of their vehicle and caravan.

The proposals are not considered to result in any significant high impacts are considered to accord with the policies of the KLP, guidance and NPPF.

Summary

The site is unallocated within the KLP, and the proposed change of use is appropriate in principle at this location. For the reasons outlined above it is considered that the change of use, and associated works and development would not result in any significant harmful effects with respect to visual amenity (design), neighbour amenity, or upon highway safety and parking. The proposals are considered to constitute sustainable development which is in accordance with the Local Development Plan.

If there are any questions or if any additional information is required, please do not hesitate to contact as the applicant would like to work proactively with the LPA to address any issues or concerns.

Yours faithfully,



Alex Cowling MA
Director
ASC Planning Consultants Ltd

E. alex@ascplanning.co.uk
W. www.ascplanning.co.uk