
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 04-Nov-2020

Subject: Planning Application 2020/92540 Erection of detached garage Land adjacent, 51-53, Park Croft, Staincliffe, Batley, WF17 7SS

APPLICANT

S Ali

DATE VALID

09-Sep-2020

TARGET DATE

04-Nov-2020

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Batley West Ward

Ward Councillors consulted: Cllr Gwen Lowe, Cllrs Yusra Hussain

Public or private: PUBLIC

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought before the Heavy Woollen Planning Sub Committee for determination in accordance with the Council's Scheme of Delegation on account of a request from Cllr Gwen Lowe as there is concern regarding problems this larger garage will cause with access to the adjoining plots and as there has been significant local representation to the proposal.

2.0 SITE AND SURROUNDINGS:

2.1 Land adjacent to 51 – 53, Park Croft is a roughly rectangular shaped area located in a corner at the head of a residential cul-de-sac. It is to the western side of 51, Park Croft and to the southern side of 53, Park Croft.

2.2 It currently contains a detached double garage in the south-eastern corner, a single garage in the north-western corner with open ground to the side in the south western corner.

2.3 The application site is between the side of the existing double garage and a free-standing wall on the boundary with land in the south western corner.

2.4 The application site has been cleared of a garage and a concrete base laid. To the front it has shared access to the head of Park Croft.

2.5 The surrounding land is residential in nature, predominantly two-storey semi-detached or terraced houses that have been extended in various ways and have a variety of outbuildings in their grounds.

3.0 PROPOSAL:

3.1 The proposal is to erect a detached garage.

3.2 The amended plans show that it would be as follows:

- Rectangular footprint approximately 6.7m wide x 6.6m deep (the original footprint proposed measured 6.7m wide x 8.0m deep). Front elevation in line with existing double garage to the east.
- Mono pitched roof 2.5m overall height at the front and 2.25m overall height at the back.

- One garage door to the front, no other openings.
- The walls would be brick and the roof surfaced in metal sheets. The garage door would be roller shutter.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 No relevant planning history.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Amended plans received, which reduced the depth of the garage by approximately 1.4m. These are shown on dwg. no. PCB/01A and PCB/02B.

The application form was amended, notice served on 9th September 2020 and certificate B completed.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 Local Plan (2019):

6.2 LP1 – Presumption in favour of sustainable development
 LP2 – Place shaping
 LP21 – Highway safety and access
 LP22 – Parking
 LP24 - Design

Supplementary Planning Guidance / Documents:

6.3 None relevant.

National Planning Guidance:

6.4 Chapter 9 – Promoting sustainable transport
 Chapter 12 – Achieving well designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Final publicity date expired 7th October 2020. Publicity was by neighbour notification letters, in accordance with standard Kirklees practice at that time. 41 supporting, 21 objecting and 3 comments have been received at the time of publishing this agenda.

A summary of the comments received in response to the initially submitted scheme and objecting is set out below:

- Proposed development by reason of its size, depth, width and height would have an unacceptably adverse impact upon properties immediately bordering the site and surrounding area

- It should be as originally built
- Overshadowing impact
- Concrete slab protrudes and makes for a degree of difficulty manoeuvring vehicles
- Incorrect certification declared

8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.1 Statutory:

K C Highways Development Management – no objections to the amended scheme.

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the 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. It goes on to set out that: “The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”
- 10.2 Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district”.
- 10.3 In this case, the principle of a garage is considered acceptable and shall be assessed against other material planning considerations below.
- 10.4 The proposal will be assessed having regard to the following Local Plan policies.
- LP1 - Presumption in favour of sustainable development: Take into account whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
 - LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
 - LP24 – Proposals should provide a high standard of amenity for future and neighbouring occupiers.
- 10.5 The assessment will furthermore have regard to the aims of the NPPF policies set out above.

Urban Design issues

- 10.6 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.
- 10.7 With regard to a stand-alone garage, the form, scale, layout and details of all development respects and enhances the character of the townscape.
- 10.8 In this instance the existing site contains other single and double garages with mono-pitched roofs and either painted brickwork, or combination of dark brown boarding and concrete panels surfaced in multi spar aggregate.
- 10.9 In the wider area the houses have predominantly red / brown coloured brickwork walls and several of the properties immediately to the south have single-storey extensions or garages / garages in matching brickwork.
- 10.10 The proposed double garage would have brickwork walls and a mono-pitched roof surfaced in metal sheets. Provided that the brickwork is a red / brown colour it is considered that the proposed garage would blend in with the character of the surrounding area.

Residential Amenity

- 10.11 Policy LP24 of the KLP sets out that proposals should promote good design by ensuring that they provide a high standard of amenity for future and neighbouring occupiers.

10.12 In relation to the neighbouring double garage to the east:

- 10.13 The proposed garage would abut the mutual boundary (approximately 0.3m closer than the previous garage) however the amended plans show that the front elevations would be in line with each other, and the overall heights are similar. The proposed building is within the application site boundary and access rights for maintaining the side elevations of the structures would be a civil matter.

10.14 The proposed garage would project beyond the rear elevation of the neighbouring double garage approximately 1.4m, and it is considered to have very limited overshadowing or overbearing impact and no overlooking impact.

10.15 In relation to the single garage and parking space to the west:

10.16 The proposed garage would abut the mutual boundary wall (approximately 0.1m closer than the previous garage). During consideration of the application the depth of the proposed garage has been reduced approximately 1.4m so now the front elevation is in line with the neighbouring double garage to the east.

10.17 The overall height of the proposed garage is 2.5m which is considered quite normal for a garage and it has a mono-pitched roof. It has potential to cast some additional shade on the surrounding area, but in officer opinion this would be quite limited and acceptable for a double garage on a garage site.

10.18 The proposed building is within the application site boundary and access rights for maintaining the side elevations of the structures would be a civil matter.

10.19 57 and 58, Woodsome Estate

10.20 These are a pair of two-storey semi-detached houses to the south of the application site. They both have significant single-storey extensions to the rear, which are close to the mutual boundary.

10.21 In this instance, whilst the proposed garage would also be close to the mutual boundary, it is a single-storey structure designed with a flat roof and orientated to the north and so is unlikely to block direct sunlight. It is considered that the rear gardens of these properties are already significantly enclosed by their rear existing extensions and so the impact of the proposed development would be relatively restricted over and above the existing situation.

10.22 Overall, it is considered that the proposed garage would minimise impact upon the residential amenities of the neighbouring properties and is compliant with policy LP24 of the Kirklees Local Plan.

Highway issues

10.23 The initially submitted plans showed the front elevation of the proposed garage approximately 1.4m in front of the neighbouring double garage to the east.

10.24 The Council's Highways development management officers were consulted and commented that there were concerns about the proposal narrowing the turning head for this and other garages. As such, they requested swept path analysis for a large car accessing and exiting the new garage to be provided, or for the proposal to extend only to the side and rear. Some swept path analysis was received and considered unacceptable.

10.25 An amended plan was then submitted, with the depth of the garage reduced by approximately 1.4m, so that the front elevation is in line with that of the neighbouring double garage to the east. The amended plans are considered acceptable in terms of highway safety and satisfy policies LP21 and LP22 of the KLP.

Representations

10.26 41 supporting, 21 objecting and 3 comments have been received at the time of publishing this agenda.

10.27 The comments in support are noted and the comments raising concern are summarised and addressed below:

- The proposed development by reason of its size, depth, width and height, would have an unacceptably adverse impact upon properties immediately bordering the site and surrounding area.

Response: The proposed garage has now been reduced by removing approximately 1.4m from its depth at the front, so its front elevation is now in line with that of the neighbouring double garage to the east. The scale of the proposed double garage is now similar to a standard double garage. It also has a mono-pitched roof which is a common feature of garages and the overall height is normal for a garage.

Note: An assessment of the impact upon the neighbouring sites and surrounding property is given in residential amenity section above and found to be acceptable.

- It should be as originally built

Response: This is noted. However, the amended proposed garage is only marginally wider than the former garage (approximately 0.4m) and a little deeper (approximately 0.6m) than a standard garage. The impact that it would have on visual and residential amenity, together with highway safety, have been assessed above, and found to be acceptable.

- Overshadowing impact

Response: The scale of the proposal and impact upon the neighbouring sites has been assessed in the residential amenity section above and found to be acceptable.

- Concrete slab protrudes and makes for a degree of difficulty manoeuvring vehicles.

Response: Highways DM has assessed the scheme and found it to be acceptable.

- Incorrect certification declared.

Response: The initially submitted application form declared certificate A, the agent was informed and changed this to certificate B, with notice served on two other addresses.

Other Matters

10.28 Procedural matter: amended plans have been received which reduce the scale of the proposed garage at the front. These have been made available on the website. Advertisement of amended plans is at the discretion of the local planning authority and, in this instance, was not carried out as the amended scheme is smaller than the initially submitted scheme.

11.0 CONCLUSION

- 11.1 It is considered that the proposed garage would be in-keeping with the character of the surrounding area and would not significantly harm neighbouring land or highway safety. Hence it is in accordance with policies LP21, LP22 and LP24 of the Kirklees Local Plan and support the aims of the NPPF chapters 9 and 12.
- 11.2 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.
- 11.3 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 14 of the NPPF) and is, therefore, recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Standard three year time frame
2. Development to be completed in accordance with approved plans and specifications
3. Colour of brickwork to be red / brown

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F92540>

Certificate of Ownership – Notice served on 9th September 2020. Certificate B completed