
Report of the Head of Planning and Development**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 10-Mar-2021****Subject: Planning Application 2020/93008 Erection of outbuilding to rear 10, Plains, Marsden, Huddersfield, HD7 6AL****APPLICANT**

L Sparrow

DATE VALID

06-Jan-2021

TARGET DATE

03-Mar-2021

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: Colne Valley

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: Refuse planning permission and delegate authority to the Head of Planning and Development to proceed with enforcement action requiring the removal of operational development.

1. The proposed outbuilding, by reason of its siting, scale and design, would form an overly prominent and incongruous feature failing to respect the character and appearance of the host terrace or the local area. To approve the development would be contrary to Policy LP24a of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application has been brought to Huddersfield Sub-Committee at the request of Cllr Donna Bellamy for the following reason:

“There are other houses on Plains that have outbuildings on their rear gardens, so does it have a impact on the street scene from observation it doesn’t block the lane so access is still available, this area is also not within the conservation area, and many of the houses in the area have also had rear extensions, that haven’t been deemed to have an impact on the street scene”.

1.2 The Chair of Committee has confirmed that Cllr Bellamy’s reason for making this request is valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is a mid-terraced property located on a street called Plains, in Marsden. Plains forms two long rows of stone built terraced properties which date back to the early 20th Century and they are typical of mill worker’s housing of the late 19th and early 20th Centuries with hammer dressed stone external walls, slate tile gable roof, ashlar stone window and door surrounds and a repetitive design of windows and doors along the terrace.

2.2 To the front elevation, north-west, there is a hard-surfaced front yard bounded by low stone walls with copings and a fence atop the stone wall.

- 2.3 To the rear, south-east, the properties gain long distance views across the valley. Access to the rear is gained from an unadopted track off Plains Lane. The applicant property has a stepped access from the rear elevation to the track which extends along the rear of the dwellings from Plains Lane to Grange Street. The unadopted track bisects the row of terraced housing from a narrow band of open amenity space that is principally laid to grass/hardsurface, but with other smaller outbuildings in evidence. This narrow band of land, and the track, is within the ownership of the houses along the terrace.
- 2.4 The amenity space is bounded to the southeast with a low rear stone wall shared with the neighbouring properties on Plains. The outdoor amenity space has a sloping gradient descending towards the south-east. The other neighbouring properties have similarly steep steps and varying plots of rear garden amenity space.
- 2.5 Beyond the boundary wall, south-east, the Transpennine railway line between Manchester and Huddersfield is set in a deep cutting.
- 2.6 The surrounding area is residential with similarly constructed terraced housing rows south east of the railway tracks. There are terraced and semi-detached dwellings west and north of Plains, with open fields and a Public Right of Way to the north east across Plains Lane following the route of the railway.

3.0 PROPOSAL:

- 3.1 Permission is sought for the erection of an outbuilding to the rear of 10 Plains situated on the rear amenity space. This is submitted retrospectively.
- 3.2 The dimensions of the outbuilding are 4.1 metres in width and 5.1 metres in depth with a very shallow mono-pitch roof with a maximum height of 2.2 metres.
- 3.3 The construction materials are concrete breeze block faced with horizontal timber board, fibre glass flat roof with a white security roller shutter door sitting on a concrete base. The concrete base measures 4.3 metres in width and 5.3 metres length serving to level out the sloping gradient of the plot. Two lights are placed to either side of the doorway.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 No planning applications for this site are recorded.
- 4.2 Enforcement history: COMP/20/0199 - Alleged unauthorised erection of an outbuilding – under investigation.

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

- 5.1 No negotiations have taken place nor have amended plans been sought or received. This is due to the application seeking retrospective permission for development which has already taken place.

6.0 PLANNING POLICY:

6.1 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).

6.2 The site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety and access
- **LP24** – Design

Supplementary Planning Guidance / Documents:

6.3 Kirklees Highways Design Guide

National Planning Guidance:

6.4 National Planning Policy Framework
• **Chapter 12** – Achieving well-designed place

National Design Guide

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by neighbour notification letters. The period of publicity expired 8th December 2020. Four representations have been received. The following is a summary of responses:

Objections

- The proposal adversely affects a Public Right of Way.
- The proposal would have a detrimental impact on visual amenity. The building is a large structure which is out of keeping with the character of the local area.
- The proposal would represent an overdevelopment of the site being the full width of the plot and extending up to the access.
- The proposal would block natural light to adjacent properties causing a detrimental overshadowing impact.
- The development is on the periphery of a Conservation Area and would harm the setting of the conservation area.
- The south-east elevation of the host property is a principal elevation and the development is forward of this elevation, increasing the visual impact.
- The base of the proposal appears to encroach into neighbouring garden.
- Insufficient passing space between the outbuilding and residence (2.4m) and would be dangerous to public passing when outbuilding is in use.
- The structure has increased light pollution at the site from the lights on the front.

- The outbuilding is being used for commercial purposes for the trading of motorbikes. This has also led to vehicles being run up and down track, added engine noise and polluting emissions in unsocial hours.

Non-material issues

- The site is subject to a covenant which states the area of land is a “common yard” and not a road with use restricted to hanging out and drying of laundry.
- Blocks panoramic views.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

No statutory consultees.

8.2 Non-statutory:

- K.C. Highways Development Management – No objection
- Network Rail – no objections

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- 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. 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.”

- 10.2 In this case, it can be stated the principle of development for an outbuilding may be acceptable. The impact of the proposed development on visual amenity, residential amenity, highway safety, other all material planning considerations and taking into account representations received is considered below.

Visual Amenity

- 10.3 In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
- 10.4 The proposed site of the outbuilding, which is accepted to be at the rear of the dwelling, is located in an open and prominent position that can be readily viewed from Plains lane to the east. The building is separated from the main dwelling by an informal access track which runs along the rear of the properties. The land to the south east of this track, whilst forming land associated with the residential dwellings, is often not clearly defined between the dwellings. There are significant sections containing no boundary treatment and often just left to grass. Whilst there are some structures in this area, they tend to be small, discreetly sited and of a temporary nature that could be easily moved, such as pre-fabricated timber sheds. These do not interrupt the wider visual appearance of the terrace.
- 10.5 The proposed outbuilding is a significantly larger structure than others that are in evidence along the terrace. It occupies the full width of the amenity space and extends to the route of the informal access shared by the applicant property and neighbouring houses. The development would leave only a small section of land directly outside the rear of the property, approximately 2.5 metres deep by 5 metres wide and a small front yard area as amenity space. In this context the proposal would represent an over development of the available land and would, by reason of its scale, form and design be out of keeping with the character of the host dwelling and the wider local area. It would be a particularly prominent and incongruous feature by reason of its scale and siting.
- 10.6 With regards to materials, whilst the building is externally clad in timber, similar to a typical domestic shed, its overall scale and position on a concrete base, which has increased ground levels to the south means that the building is overly prominent in the local streetscape to the detriment of the visual amenity in the local area.
- 10.7 The resultant visual impact of the development would lead it to it appearing as a prominent large outbuilding within a small curtilage and have a detrimental impact to the character of the local area. The proposal would therefore fail to accord with policy LP24(a) of the Kirklees Local Plan or Chapter 12 of the NPPF.

Residential Amenity

- 10.8 The impact of the proposal on the amenity of surrounding properties and future occupiers of those dwellings is considered against Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”*

- 10.9 The outbuilding is separated from the host dwelling and adjacent dwellings by the informal access track and is positioned south east of the row of the dwellings. The adjacent terraced dwellings are located 5.5 metres from the outbuilding, however the land to the rear of the dwellings drops away significantly. This results in the dwellings having a lower ground floor level facing the proposed development. Given this change in levels, combined with the proposed outbuilding's overall height of 2.2 metres the proposal is, on balance, considered not to lead to a detrimental impact on the amenity of adjacent properties in terms of overbearing or overshadowing impact. No openings are in the front elevation and therefore there would be no detrimental overlooking.
- 10.10 In conclusion, on balance, the proposal is considered to have an acceptable impact on residential amenity and would accord with Policy LP24 of the Local Plan in this respect. The application has been assessed on the basis of this being an outbuilding for uses incidental to the enjoyment of the dwellinghouse; the application has been submitted as a 'householder' development.

Highway issues

- 10.11 Turning to highway safety, Policies LP21 and LP22 of the Local Plan have been considered along with the KC Highway Design guide. These policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.
- 10.12 From the available evidence it would appear that the site has not previously formed parking associated with the dwelling and therefore the proposal would not result in a loss of parking provision or otherwise affect existing access arrangements. The outbuilding is not suitable in size to form a 'garage' in accordance with the size set out in the Highways Design Guide. In addition, access to the structure from the access road for any car would be particularly difficult. The outbuilding is to be used for purposes ancillary to the main dwelling. In this context it is concluded that it would not result in a material intensification of the access track serving the site.
- 10.13 In conclusion the proposal is considered to have an acceptable impact on highway safety.

Representations

- 10.14 4 letters of representation were received as part of the public consultation process for the application. Insofar as they have not been addressed in the report above, comments are summarised below with the Local Planning Authority response.
- The proposal adversely affects a Public Right of Way.
- Response: The access road to the rear of Plains is not a Public Right of Way. The closest public right of way is COL/84/40 which is at the south western end of Plains and unaffected by this development

- The proposal would have a detrimental impact on visual amenity. The building is a large structure which is out of keeping with the character of the local area.
- The proposal would represent an overdevelopment of the site being the full width of the plot and up to the access.
- The south-east elevation of the host property is a principal elevation and the development is forward of this elevation, increasing the visual impact.

Response: As set out in the main body of the report the proposal is considered to have an unacceptable impact on visual amenity.

- The proposal would block natural light to adjacent properties causing a detrimental overshadowing impact.

Response: As set out in the main body of the report the proposal is considered to have an acceptable impact on residential amenity.

- The development is on the periphery of a Conservation Area.

Response: The site is more than 200m from Marsden Conservation Area. The development would not affect the setting of this Conservation Area.

- The base of the proposal appears to encroach into neighbouring garden.

Response: This is a private legal matter between the interested parties.

- Insufficient passing space between the outbuilding and residence (2.4m) and would be dangerous to public passing when outbuilding is in use.

Response: For the purposes of the planning application sufficient space is considered to be provided on the access track.

- The structure has increase light pollution at the site from the lights on the front.

Response: The lights erected either side of the access door are sited at the lower ground floor level of properties on Plains. By reason of their siting and location on the building they are considered not to result in undue light pollution.

- The outbuilding is being used for commercial purposes for the trading of motorbikes. This has also led to vehicles being run up and down track, added engine noise and polluting emissions in unsocial hours.

Response: The application has been applied for as a 'householder development' and has been assessed as such. If granted permission the use of the outbuilding would need to be for purposes incidental to the enjoyment of the dwellinghouse. If any commercial activity is taking place this would require separate application for full planning permission

Non-material issues

- The site is subject to a covenant which states the area of land is a "common yard" and not a road with use restricted to hanging out and drying of laundry.
- Blocks panoramic views.

Response: These are not planning related considerations.

Other Matters

- 10.15 The site is located within the Council's GIS bat alert layer however it is not identified on the map as having bat roosts and the proposal does not interfere with the existing roof of the property. As such, it is not considered that a Bat Survey is required in this instance.
- 10.16 The building is close to the edge of a deep cutting within which there is an active railway line. The Railway Infrastructure Manager (Network Rail) were consulted on this application. In response they stated they had 'no observations to make'.

Climate Change

- 10.17 On 12th 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.
- 10.18 Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

11.0 CONCLUSION

- 11.1 In conclusion the proposed outbuilding, by reason of its siting, scale and design, would form an overly prominent and incongruous feature failing to respect the character and appearance of the host terrace or the local area.
- 11.2 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development does not accord with Policy LP24 of the Local Plan and Chapter 12 of the NPPF and that the adverse impacts of the development would significantly and demonstrably outweigh its benefits with assessed policies within the NPPF taken as a whole.
- 11.3 Members are requested to accept the officer recommendation and authorise the Compliance Team to proceed with action to rectify the breach of planning control.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93008>

Certificate of Ownership – Certificate A signed and dated 09th September 2020.