

CALDERDALE METROPOLITAN BOROUGH COUNCIL**PLANNING COMMITTEE****WARDS AFFECTED: MORE THAN THREE**

Date of meeting: 23 August 2022

Chief Officer: Director of Regeneration and Strategy.

1. SUBJECT OF REPORT

APPLICATIONS FOR DETERMINATION RE PLANNING PERMISSION, LISTED BUILDING CONSENT/CONSERVATION AREA CONSENT, LOCAL AUTHORITY APPLICATIONS, CROWN APPLICATION OR CONSENT TO FELL PROTECTED TREES

- (i) Executive Summary
- (ii) Individual Applications

2. INTRODUCTION

- 2.1** The attached report contains two sections. The first section contains a summarised list of all applications to be considered at the Committee and the time when the application will be heard. Applications for Committee consideration have been identified in accordance with Council Standing Orders and delegations.
- 2.2** The second section comprises individual detailed reports relative to the applications to be considered.
- 2.3** These are set out in a standard format including the details of the application and relevant planning site history, representations/comments received arising from publicity and consultations, the officers assessment and recommendation, with suggested conditions or reasons for refusal, as appropriate.
- 2.4** Where the Committee considers that a decision contrary to the recommendation of the Director of Regeneration and Strategy may be appropriate, then consideration of the application may be deferred for further information.
- 2.5** Where a Legal Agreement is required by the Committee, the resolution will be "Mindful to Permit Subject to a Legal Agreement being completed", combined with a delegation to the Director of Regeneration and Strategy.

3. IMPLICATIONS ARISING FROM REPORT

3.1 Planning Policies

These are set out separately in each individual application report.

3.2 Sustainability

Effective planning control uses the basic principle of sustainable development by ensuring that development meets the needs of the present without compromising the ability of future generations to meet their own needs. Through the development control system, the Council can enable environmental damage to be minimised and ensure that resources are used efficiently and waste minimised. Particular sustainability issues will be highlighted in individual reports where appropriate.

3.3 Equal Opportunities

All applications are considered on their merits having regard to Government guidance, the policies of the Development plan and other factors relevant to planning. This will be done using the Development Control Code of Conduct for officers and members as set out in the Council's Standing Orders.

In the vast majority of cases, planning permission is given for land, not to an individual, and the personal circumstances of the applicant are seldom relevant.

However, the Council has to consider the needs of people with disabilities and their needs are a material planning consideration. Reference will be made to any such issues in the individual application reports, where appropriate.

The Council also seeks to apply good practice guidance published in respect of Race and Planning issues.

3.4 Finance

A refusal of planning permission can have financial implications for the Council where a subsequent appeal is lodged by the applicant in respect of the decision or if a case of alleged maladministration is referred to the Local Government Ombudsman or a Judicial Review is sought through the Courts.

In all cases indirect staff costs will be incurred in processing any such forms of 'appeal'.

There is no existing budget to cover any direct costs should any such 'appeal' result in 'costs' being awarded against the Council. These would have to be found by way of compensatory savings from elsewhere in the Planning Services budget.

Reference: 6/00/00/CM

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

Richard Seaman
Corporate Lead
For Planning Services

TELEPHONE :- 01422 392241

DOCUMENTS USED IN THE PREPARATION OF THIS REPORT:

1. Planning Application File (numbered as the application show in the report)
2. National Planning Policy and Guidance
3. Calderdale Development Plan(including any associated preparatory documents)
4. Related appeal and court decisions
5. Related planning applications
6. Relevant guideline/good practice documents

DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

www.calderdale.gov.uk.

You can access the Council's website at the Council's Customer First offices and Council Libraries.

List of Applications at Committee 23 August 2022

| Time & No. | App No. | Location | Proposal | Ward | Page No. |
|---------------------------|----------------|---|---|----------------------------|-----------------|
| 1400 | 22/00042/FUL | 67 Briscoe Lane Greetland Elland Calderdale HX4 8JT | Single storey garden room with a pitched roof. To be clad in Western Red Cedar cladding with an anthracite grey bifold door, and A DEFRA exempt pizza oven constructed on a concrete, brick base dressed in stone or ornamental brick with a prefabricated chimney to disperse fumes. | Greetland And Stainland | 5 - 10 |
| | | | | | |

Time Not Before: 1400

Application No: 22/00042/FUL

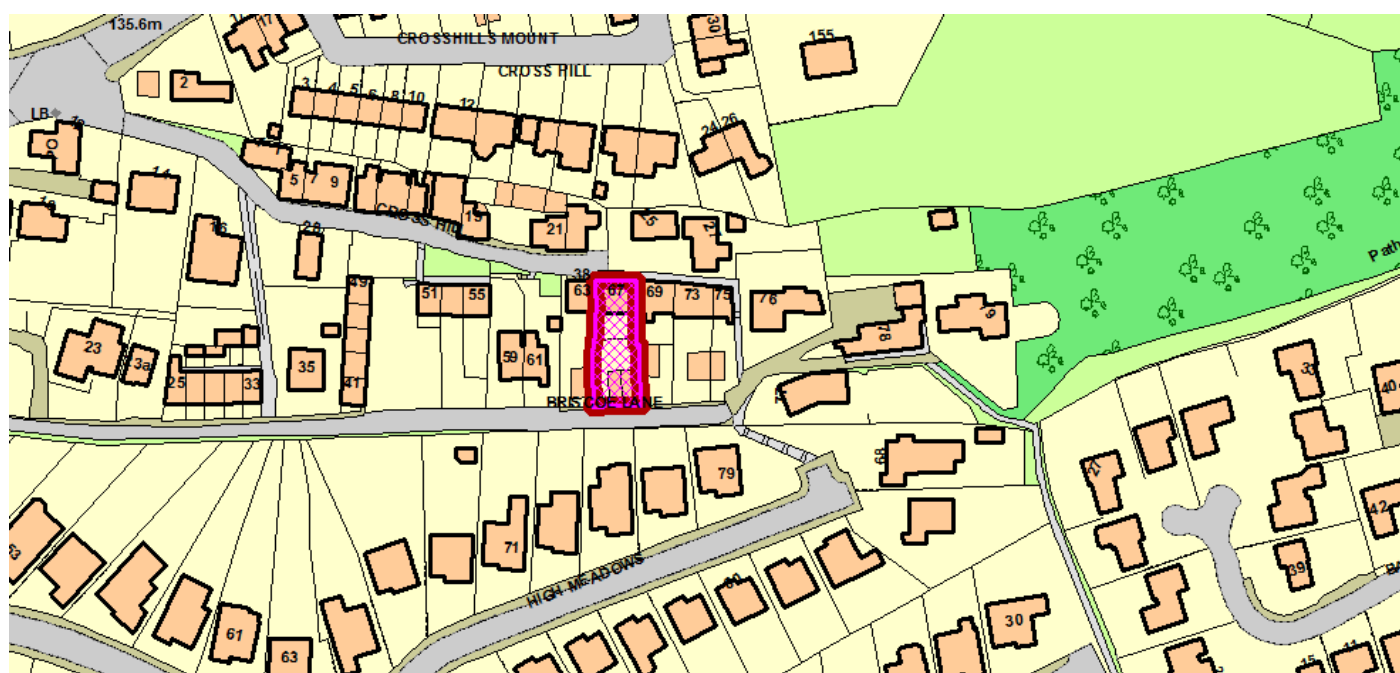
Ward: **Greetland And Stainland**
Area Team: **South Team**

Proposal:

Single storey garden room with a pitched roof. To be clad in Western Red Cedar cladding with an anthracite grey bifold door, and A DEFRA exempt pizza oven constructed on a concrete, brick base dressed in stone or ornamental brick with a prefabricated chimney to disperse fumes.

Location:

67 Briscoe Lane Greetland Elland Calderdale HX4 8JT



Applicant:

Mr Owen Gilroy

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Description of Site and Proposal

The site is located within a residential area of Greetland, to the north of Briscoe Lane. It consists of a two-storey terrace with garden to the south. The garden is split level and drops down from the house towards Briscoe Lane, where a detached garage with patio is sited.

Planning permission is sought for a single storey garden room (retrospective) and a pizza oven.

The reason that the application has been brought to Committee is because the application is submitted in a personal capacity by or on behalf of a Councillor.

Relevant Planning History

An application for raised patio and balustrade over existing garage roof was permitted under delegated powers on 6 June 2020 (application number 20/00482/HSE).

Key Policy Context:

| | |
|---|--|
| Replacement Calderdale Unitary Development Plan Designation/Allocation | Primary Housing Area |
| Replacement Calderdale Unitary Development Plan policies | H2 Primary Housing Areas GBE1 The Contribution Of Design To The Quality Of The Built Environment BE1 General Design Criteria BE2 Privacy, Daylighting and Amenity Space |
| National Planning Policy Framework Paragraphs / National Design Guide | 12. Achieving well-designed places |
| Other Material Planning Considerations | Climate Emergency Declaration (Jan 2019) Emerging Local Plan / NDP |

Publicity/ Representations:

The application was publicised with neighbour notification letters.

One letter of objection and five letters of support were received.

Summary of points raised:

Objection

- Retrospective application
- No distance between garden room and neighbour's garage for maintenance purposes – 2 metres not maintained.

Support

- Compliments the surrounding area.
- Below an existing terrace and does not overlook neighbours or block light.
- As the pizza oven is DEFRA exempt it is kinder to the environment than others.

- No effect on parking or general access.
- Provides a space for home working and personal fitness.
- Garage has never been maintained and is blocked by a huge bush/tree.
- 2 metres not required.

Ward Councillor Comments

Councillor Cook makes the following comments:

"I have visited the site and taken a look for myself.

Having done this, I am writing in support of this application. The reasons for this are stated below:

(1) The garden room does not overshadow any neighbour's property and does not cause any neighbour a loss of light or sight.

(2) It does not overlook any neighbour's property or cause a loss of privacy for any neighbour.

(3) It does not impair visual amenity as it looks out over the valley and occupies a natural 'step' in the garden that keeps it enclosed and discreet to the view.

(4) There is adequate parking and it does not cause additional traffic, parking issues or other problems on Briscoe Lane for any resident.

(5) It does not cause any highway safety issues or affect the public highway in any way.

(6) The garden room will not create noise or other disturbances from its use, as it will be used by the occupants as a quiet space.

(7) There is no impact upon trees.

(8) The build type of the garden room is not out of character for the area and there are similar garden rooms in the area.

(9) The brick pizza oven is DEFRA exempt and will be used to complement the existing roof-top terrace, outdoor seating and garden facilities."

Parish/Town Council Comments

The development is not located within a parished area.

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The revised NPPF was updated on 19 February 2019 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The NPPF has a presumption in favour of sustainable development, which means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *[for example...land designated as Green Belt...designated heritage assets]* or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Within the Primary Housing Area the improvement and extension of existing housing is acceptable in principle provided that there would be no unacceptable environmental, amenity traffic or other problems and the quality of the housing area is not harmed, in accordance with RCUDP Policy H2.

In this case it is considered that the garden room and pizza oven would not cause any such problems, and the design is in keeping with the residential character of the area and would not harm the quality.

The proposed development is acceptable in principle.

Layout, Design and Materials

RCUDP Policy BE1 and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

The dimensions for the garden room are 6m (length) X 3.1m (width) X 2.49 (height of eaves). There are no issues with the scale nor the siting as the garden room is positioned on a lower level in comparison to the garden and is therefore not visible from the street scene.

The DEFRA Pizza oven is proposed on a lower level below in relation to the garden, garden room and garage and thus will remain hidden from public right of way on Briscoe Lane. The scale 1.4m (width) X 1.3m (length) X 2m (height) is deemed to be acceptable.

It is considered that the development would be in keeping with the residential character of the area and it would comply with Policy BE1 of the RCUDP.

Residential Amenity

Policy BE2 states that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A sets out guidelines to help assess whether such impacts arise.

There are windows (secondary) proposed on the south and west elevations of the garden room. With the summer house located to the south of the site, the separating distance between this and any neighbouring windows of more than 18m ensures adherence to policy BE2 of the RCUDP is attained. No threats to overlooking or overshadowing are likely. It is considered that the development complies with Policy BE2.

In respect of the public objection to lack of space between the garden room and neighbouring garage, there is no planning requirement to provide a separation distance between structures. Any issues regarding maintenance would be a private matter.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions specified below. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

Date: 10 August 2022

Further Information

Should you have any queries in respect of this application report, please contact in the first instance:-

George Hodgkinson (Case Officer) on 07872100513 or Lauren Clarkson (Lead Officer) on 01422 392216

Conditions

1. The development shall be carried out in complete accordance with the approved plans unless the variation from approved plans is required by any other condition of this permission.
2. The proposed DEFRA pizza oven shall be constructed from the materials as specified in the application received by the Local Planning Authority on 12th January 2022.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
 2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.
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