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**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

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Wednesday 23 March 2022

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 31 March 2022**.

(A coach will depart the Town Hall, at 10:00 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Planning Sub-Committee (Huddersfield Area) members are:-

Member

Councillor Terry Lyons (Chair)
Councillor Paul Davies
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Bill Armer
Councillor Timothy Bamford
Councillor Donna Bellamy
Councillor Bernard McGuin
Councillor Anthony Smith
Councillor Susan Lee-Richards

When a Planning Sub-Committee (Huddersfield Area) member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

A Gregg
V Lees-Hamilton
R Smith
M Thompson
D Hall
J Taylor

Green

K Allison

Independent

C Greaves

Labour

M Akhtar
S Hall
M Kaushik
J Ramsay E Firth

Liberal Democrat

PA Davies
J Lawson
A Marchington
A Munro
A Pinnock

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Sub-Committee

To receive any apologies for absence, or details of substitutions to Sub-Committee membership.

2: Minutes of previous meeting

1 - 8

To approve the Minutes of the meeting of the Committee held on 10 February 2022.

3: Declaration of Interests and Lobbying

9 - 10

Sub-Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Sub-Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Site visit - Planning Application No: 2020/94096

Erection of 21 dwellings and associated works Land south of, Swallow Lane, Golcar, Huddersfield.

(Estimated time of arrival at site 10:20 am)

Contact officer: Nick Hirst, Planning Services

Ward(s) affected: Golcar

7: Site visit - Planning Application No: 2021/93564

Erection of two-storey and single-storey rear extensions, basement extension and front and rear dormers 8-10, Moorbottom Road, Thornton Lodge, Huddersfield.

(Estimated time of arrival at site 10:45 am)

Contact officer: William Simcock, Planning Services.

Ward(s) affected: Crosland Moor and Netherton

8: Site visit - Planning Application No: 2021/90126

Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) Coachways, 1a Dingley Road, Edgerton, Huddersfield.

(Estimated time of arrival at site 11:05 am)

Contact officer: Ellie Worth, Planning Services.

Ward(s) affected: Lindley

9: Site visit - Planning Application No: 2021/94645

Erection of detached dwelling with parking and division of existing garden to provide amenity, parking and bin storage adj, 84, Dalton Green Lane, Dalton, Huddersfield.

(Estimated time of arrival at site 11:35 am)

Contact officer: Lucy Taylor, Planning Services.

Ward(s) affected: Dalton

Planning Applications

11 - 12

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 28 March 2022.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Richard Dunne or Sheila Dykes on 01484 221000 (Extension 74995 or 73896).

Please note that measures will be in place to mitigate the risks of COVID infection including, if required, the use of social distancing. This could result in limiting the number of places available at the meeting.

Members of the public who are unable to attend in person will be able address the Committee virtually.

Please note that in accordance with the council's public speaking protocols at planning committee meetings verbal representations will be limited to three minutes.

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

10: Planning Application - Application No: 2020/94096 13 - 42

Erection of 21 dwellings and associated works Land south of, Swallow Lane, Golcar, Huddersfield.

Contact officer: Nick Hirst, Planning Services

Ward(s) affected: Golcar

11: Planning Application - Application No: 2021/93564 43 - 60

Erection of two-storey and single-storey rear extensions, basement extension and front and rear dormers 8-10, Moorbottom Road, Thornton Lodge, Huddersfield.

Contact officer: William Simcock, Planning Services.

Ward(s) affected: Crosland Moor and Netherton

12: Planning Application - Application No: 2021/90126

61 - 78

Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) Coachways, 1a Dingley Road, Edgerton, Huddersfield.

Contact officer: Ellie Worth, Planning Services.

Ward(s) affected: Lindley

13: Planning Application - Application No: 2021/94645

79 - 98

Erection of detached dwelling with parking and division of existing garden to provide amenity, parking and bin storage adj, 84, Dalton Green Lane, Dalton, Huddersfield.

Contact officer: Lucy Taylor, Planning Services.

Ward(s) affected: Dalton

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 10th February 2022

Present: Councillor Terry Lyons (Chair)
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Bill Armer
Councillor Donna Bellamy
Councillor Bernard McGuin
Councillor Susan Lee-Richards
Councillor Manisha Kaushik
Councillor Andrew Marchington

Observers: Councillor Paul Davies
Councillor Donald Firth
Councillor Charles Greaves
Councillor Nigel Patrick

Apologies: Councillor Paul Davies
Councillor Timothy Bamford
Councillor Anthony Smith

1 Membership of the Sub-Committee

Councillor Manisha Kaushik substituted for Councillor Paul Davies.

Councillor Andrew Marchington Substituted for Councillor Anthony Smith.

Apologies were received from Councillor Timothy Bamford.

2 Minutes of previous meeting

Subject to the following corrections the minutes of the meeting held on 9 December 2021 were approved as a correct record:

That Cllrs Alison Munro and Susan Lee-Richards were present at the meeting.

3 Declaration of Interests and Lobbying

Councillor Bellamy declared that she had been lobbied on application 2021/91302.

Councillor Lee-Richards declared an "other interest" in application 2021/92946 on the grounds that she was a trustee of River Holme Connections.

Planning Sub-Committee (Huddersfield Area) - 10 February 2022

Councillor Marchington declared an “other interest” in application 2021/91302 on the grounds that a number of the congregation of the church where he was minister lived adjacent to the site.

Councillors Sarwar, Sokhal and Kaushik declared an “other interest” in application 2021/93564 on the grounds that they knew both the applicant and one of the objectors.

Councillors Uppal and Homewood declared that they had been lobbied on application 2021/93564.

Councillors Uppal and Homewood declared an “other interest” in application 2021/93564 on the grounds that they knew one of the objectors.

Councillor Uppal declared that she had been lobbied on application 2021/92946.

Councillor Sokhal declared an “other interest” in application 2021/93655 on the grounds that he had been actively engaged in discussions with the applicant, agent and planning officer.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Reporting of Emergency Delegated Decisions

The report was noted.

8 Planning Application - Application No: 2021/92946

The Sub Committee gave consideration to Planning Application 2021/92946 Demolition of Holmfirth Market Hall, extension and redevelopment of existing Huddersfield Road Car Park to include improvements to the existing vehicular entrance point on the A6024, the creation of a new vehicular access point onto the A6024, the creation of a new widened pedestrian bridge over the River Holme and associated landscaping, lighting and drainage works (within a Conservation Area)Huddersfield Road Car Park and Holmfirth Market Hall, Huddersfield Road, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Richard Ashley, Margaret Dale, Steve Davie, Liz Heywood, Michael Bell (in support), Jonathan Standen (agent) and Andy Raleigh and Chris Cotton (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Sub Committee received representations from Councillors Paul Davies, Donald Firth and Nigel Patrick (ward members).

RESOLVED –

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:
 1. Development shall be begun within three years of the date of the permission.
 2. Development to be in complete accordance with plans and specifications (unless specified otherwise).
 3. Submission of samples of stone to be used in stone walling (prior to the commencement of development above slab level).
 4. Submission of details of coping of stone walls including samples (prior to commencement of development above slab level).
 5. Notwithstanding the surfacing details submitted with the application, submission of full details of surfacing materials including samples (prior to the commencement of development, but excluding the demolition of the Holmfirth Market Hall building).
 6. Notwithstanding the railings adjacent Huddersfield Road displayed in the submitted plans, submission of full design details of the means of enclosure adjacent to Huddersfield Road, including height, siting and materials. The means of enclosure should not exceed a height of 0.9 metre above the level of the adjoining highway and sightlines of 2.4 m x 43 metres shall be cleared of all other obstructions and shall be retained free of any such obstructions (prior to commencement of development above slab level).
 7. Submission of full design details of street furniture, including bollards, seating, bins, bike stands and planters (prior to the installation of street furniture).
 8. Submission of full design details of the utility box/GRP Enclosure (prior to the commencement of the installation of the utility box/GRP Enclosure).
 9. Soft landscaping of the site in accordance with Planting Plan (Dwg No. HD/25/64051/GL-PR-LAP-04). The approved planting shall be planted during the first planting season following completion of the development hereby approved, and from its completion be maintained for a period of five years.
 10. The car park shall be laid out and marked out into bays in accordance with the approved plans (prior to the site being brought into use).
 11. Submission of details of ingress and egress signage, which shall be signed 'In' and 'Out', including location and appearance (prior to the site being brought into use).
 12. Submission of scheme detailing surface water drainage, including maintenance and management plan for surface water infrastructure (prior to commencement of development).
 13. Submission of assessments of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area in both directions (Prior to commencement of development).
 14. Submission of scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity (prior to commencement of development, and subject to option 2 within the FRA be used (traditional with oil separator).
 15. Development in accordance with FRA, drawings HD/25/64051/GL-LAP-05,

Planning Sub-Committee (Huddersfield Area) - 10 February 2022

HD/25/64051/GL-LAP-06, HD/25/64051/GL-02 Rev K and HD/25/64051/GA-01 and mitigation measures detailed (mitigation measures implemented prior to the site being brought into use).

16.Submission of scheme detailing the proposed design and construction details for the new widened footbridge including any modifications to the river retaining wall supporting Hollowgate (prior to the commencement of development).

17.Submission of a Phase II Intrusive Site Investigation Report (prior to commencement of development).

18.Submission of a Remediation Strategy if remediation is recommended in the Phase II Intrusive Site Investigation Report (prior to commencement of development).

19.Implementation of the approved Remediation Strategy.

20.Submission of Validation Report (prior to the site being brought into use).

21.Development in accordance with measures outlined within the Biodiversity Measurement Plan by Brookes Ecological dated 23rd July 2021 (ref: ER-5108-03) (prior to the site being brought into use) and riparian planting displayed in the planting plan (Dwg No. HD/25/64051/GL-PR-LAP-04) (riparian planting shall be planted during the first planting season following completion of the development hereby approved).

22.3 electric vehicle recharging points with a continuous supply of at least 16A to 32A shall be installed within the car park hereby approved (to be installed and ready to use prior to the site being brought into use).

23.Submission of Construction Environmental Management Plan (CEMP) (prior to commencement of development).

24.Submission of Construction Traffic Management Plan (CTMP) (prior to commencement of development).

25.External lighting shall be installed in accordance with the details provided in the Lighting Strategy by Kirklees Council dated 30th July 2021 (ref: 30/7/2021) (prior to the site being brought into use).

2. An additional condition to secure a scheme of details for the provision of an improved access to the River Holme for maintenance of the river.

A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows:

For: Councillors: Homewood, Kaushik, Marchington, Sarwar, Sokhal, Ullah, Uppal and Lyons (8 votes).

Against: Councillors: Armer, Bellamy and McGuin (3 votes).

Abstained: Councillor Lee-Richards.

9 **Planning Application - Application No: 2021/93564**

The Sub Committee gave consideration to Planning Application 2021/93564 Erection of two-storey and single storey rear extensions, basement extension and front and rear dormers 8-10, Moorbottom Road, Thornton Lodge, Huddersfield.

Planning Sub-Committee (Huddersfield Area) - 10 February 2022

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Ranjit Kaur and Randeep Singh (objectors) and Mohammad Sajar (applicant).

RESOLVED –

That consideration of the application be deferred to provide sub committee members with an opportunity to attend a site visit.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Armer, Bellamy, Homewood, Kaushik, Lee-Richards, McGuin, Marchington, Sarwar, Sokhal, Ullah, Uppal and Lyons (12 votes).

Against: (0 votes)

10 Planning Application - Application No: 2021/93351

The Sub Committee gave consideration to Planning Application 2021/93351 Formation of decked area, erection of balustrades to boundaries to provide outdoor seating area (within a Conservation Area) Hooley House, 1, Concord Street, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Jonathan Tahany (applicant).

Under the provisions of Council Procedure Rule 36 (3) the Sub Committee received a representation from Councillor Charles Greaves (ward member).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:

1. Standard 3-year timeframe for commencement of development
2. Development to be completed in accordance with the submitted plans and specifications
3. Raised highway boundary wall to be constructed before decking brought into use.
4. Hours of use of decking (no later than 9pm)
5. Noise mitigation scheme
6. No outdoor lighting without details being approved first.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Homewood, Kaushik, Marchington, Sarwar, Sokhal, Ullah and Uppal (7 votes).

Planning Sub-Committee (Huddersfield Area) - 10 February 2022

Against: Councillor Lyons (1 vote).

Abstained: Councillors: Armer, Bellamy, Lee-Richards and McGuin.

- 11 Planning Application - Application No: 2021/91302**
The Sub Committee gave consideration to Planning Application 2021/91302
Erection of 7 eco dwellings land off, Netherley Drive, Marsden, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from John Carter (applicant).

RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

1. The site is within land designated as Green Belt within the Kirklees Local Plan proposals map. The development of the site for new housing would be inappropriate in principle under paragraphs 149-150 of the National Planning Policy Framework (NPPF), and would cause harm to the Green Belt by extending built development into open land, thereby undermining the aims of the Green Belt as set out in paragraphs 137-138 of the NPPF. Very special circumstances showing that the harm to the Green Belt would in this instance be clearly outweighed by other considerations have not been demonstrated, as required by paragraph 147-148 of the National Planning Policy Framework.
2. The access track serving the site is severely substandard owing to its width and gradient, it carries the route of a Public Right of Way (COL/207/40 and 60) and would not be accessible by a standard refuse collection vehicle. It is considered that the development would fail to provide safe or satisfactory access to the site and would materially increase risks to other highway users, including users of the public footpath, contrary to the aims of Policies LP20 and LP21(a, b, e & f) of the Kirklees Local Plan and Design Principles set out the Highways Design Guide SPD.
3. Plots 1-3, owing to their scale and layout, would appear visually jarring when seen in a rural context and close to the small vernacular dwellings, 1-4 Manor House Farm. The development as a whole, by introducing housing into an open and rural setting, would negatively affect local landscape character and views towards the Peak District National Park, contrary to the strategic objectives and Policy LP24(a) of the Kirklees Local Plan, Design Principles of the House Builders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
4. Proposed house types 1 & 2, the smaller bedroom (bedroom 2) would have an internal area of only 6sqm, which falls significantly short of the minimum standard of 7.8sqm set out in the Nationally Described Space Standards. For House Type 4, the adequacy of room sizes has not been demonstrated. Owing to the lack of justification for the substandard room size in House Types 1 & 2 and lack of clarity concerning internal layout for House Type 4, it is considered that the proposed dwellings would fail to provide an acceptable level of amenity

Planning Sub-Committee (Huddersfield Area) - 10 February 2022

for future occupants, contrary to the aims of Policy LP24(b) of the Kirklees Local Plan, Design Principles of the House Builders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

5. The presence of trees adjacent to the south-western and north-western boundaries of the site, which are large enough to provide public amenity and enhance the setting of the area, has not been acknowledged on the submitted plans, nor has an Arboricultural Report or Impact Assessment been submitted. There is a significant risk that groundworks associated with the proposed Plots 3 and 4, and subsequent shading of the development once completed, would lead to damage to the trees' root structure or pressure for their subsequent removal. The submitted information fails to demonstrate that the development would secure the retention of the trees and their continued viability, contrary to the aims of Policy LP33 of the Kirklees Local Plan.

6. The site is within land designated as Wildlife Habitat Network within the Local Plan and the development proposal is not supported by a baseline ecological survey or impact assessment. In the absence of such evidence, it is likely that the development would result in net harm to biodiversity, contrary to the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Armer, Bellamy, Homewood, Kaushik, Lee-Richards, McGuin, Sarwar, Sokhal, Uppal and Lyons (10 votes).

Against: (0 votes).

12 Planning Application - Application No: 2021/93655

The Sub Committee gave consideration to Planning Application 2021/93655 Erection of two storey extension 212, Bradford Road, Fartown, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Umar Hussain (agent) and Khalid Raffique (applicant).

RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

1. By virtue of its design and scale the proposed development would result in an incongruous feature being introduced to the street scene which would not be subservient and fail to harmonise with the host property having a detrimental impact on the visual amenity and character of the building and wider street scene contrary to policy LP24 part (a) and part (c) of the Kirklees Local Plan and policies within chapter 12 of the National Planning Policy Framework.

Planning Sub-Committee (Huddersfield Area) - 10 February 2022

2. The proposed development, by reason of its size and proximity to no.214 Bradford Road and nos. 2 & 4 Back Beech Terrace would lead to an unacceptable level of overshadowing and be unduly overbearing and oppressive, having a detrimental impact on the amenities of the occupiers of these properties contrary to policy LP24 part (b) of the Kirklees Local Plan and policies within chapter 12 of the National Planning Policy Framework.

3. The proposed creation of a raised terrace would lead to an unacceptable level of overlooking of the occupiers of no.214 Bradford Road, nos.2 & 4 Back Beech Terrace and no.2 Olive Street, having a detrimental impact on the amenities of the occupiers of these properties contrary to policy LP24 part (b) of the Kirklees Local Plan and policies within chapter 12 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Armer, Bellamy, Homewood, Lee-Richards, McGuin, Marchington, Uppal and Lyons (8 votes).

Against: (0 votes).

Abstained: Councillors Kaushik and Sarwar.

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 31-Mar-2022

Subject: Planning Application 2020/94096 Erection of 21 dwellings and associated works Land south of, Swallow Lane, Golcar, Huddersfield, HD7 4NB

APPLICANT

Jones Homes (Yorkshire)
Ltd

DATE VALID

12-Jan-2022

TARGET DATE

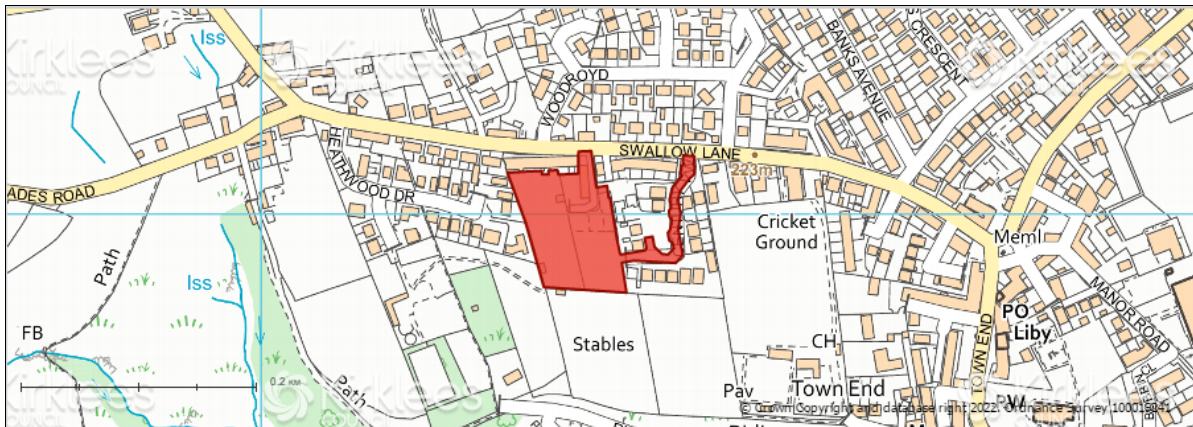
13-Apr-2022

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Golcar

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Affordable Housing: 4 affordable dwellings (2 Social Rent, 2 Starter Homes), to be provided in perpetuity.
2. Public Open Space: On-site 526sqm of Public Open Space and future maintenance and management responsibilities of open space within the site, with off-site Public Open Space contribution of £36,645 to address shortfall.
3. Education: £37,233 contribution to be spent on upon priority admission area school(s) within the geographical vicinity of the site (vicinity to be determined).
4. Ecology – £7,245 contribution towards off-site measures to achieve biodiversity net gain
5. Management and maintenance: The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 This is an application for full planning permission for a residential development of 21 dwellings. This application is brought to Huddersfield Planning Sub-Committee in accordance with the Delegation Agreement, as the proposal seeks a residential development of less than 61 units with a site area exceeding 0.5ha.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is within Golcar, with Golcar local centre circa 300m to the east and Golcar Cricket Grounds 80m to the east. Huddersfield town centre is approx. 5km to the east.
- 2.2 The application site has an area of 0.74ha. It is split between unkept grass and managed lawn, part of which has evident historic ties to a residential unit (or units) along the north boundary. A gravel surface, large enough for vehicles, is to the north of the site and connects it to Swallow Lane, running between nos. 56 and 58 Swallow Lane. A modern prefabricated commercial shed is sited next to this path, within the site boundary, and several outbuildings are dotted around elsewhere within the site. Trees are located around the site, notably along the west boundary and in the centre. The site slopes down from north to south.
- 2.3 To the immediate north, east, and west are residential properties backing onto the site. To the south are open fields designated as Green Belt. Boundary treatment include stone walls, 1.8m high fencing, and vegetation. The adjacent development (ref. 2018/92700 which approved 19 dwellings) includes a road connection into the site's south-east corner, linking through to Swallow Lane. The adjacent development's road is called Century View.
- 2.4 At the time of the officer's site visit a temporary development compound was positioned within the south-east corner of the site, associated with the construction of the adjacent 19 dwellings.

3.0 PROPOSAL

- 3.1 The existing structures on site would be demolished. The proposal seeks the erection of 21 dwellings, consisting of detached, terraced, and semi-detached units with the following size mixture:
- Three-bed: 12 (57.2%)
 - Four-bed: 7 (33.3%)
 - Five-bed: 2 (9.5%)
- 3.2 Access would be taken from an existing estate road within the adjacent recent development (ref. 2018/92700) which links to the site's southeast corner, and continues onto Swallow Lane. The new proposed estate road (shared surface format) would run into the centre of the site, with private drives and turning head branching off, which the units would front onto and be accessed from.
- 3.3 Five different unit types are proposed, all two storeys in height. They are to be faced in art-stone, some with render detailing, and grey roofing tiles. The appearance of the dwellings corresponds to those built adjacent to the east (with some of the same house types).
- 3.4 The three-bed units would each have two dedicated parking spaces. The four and five-bed units would have three each. Plot 18 would have a detached double garage, plot 17 a detached single garage, with several of the house types having integral garages. Six visitor parking spaces have been shown.

3.5 The gravel access, to the north east and connecting to Swallow Lane, would be landscaped into an area of Public Open Space (526sqm) with a path connecting the development to Swallow Lane. Private area boundary treatments are to be 1.8m close boarded fencing, with boundaries adjacent to the road being 1.8m art-stone with timber panels.

3.6 Four units, all 3-bed in size, have been offered as affordable homes. Two are offered as 'starter homes' and two as 'social rent'.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

None.

4.2 Land adjacent to the east, also within HS152

2017/93459: Erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) – Conditional Full Permission

2018/92419: Discharge conditions 3, 7, 10, 12, 13, 14, 16, 19 on previous permission 2017/93459 for erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) – DOC Split Decision

2018/92700: Variation condition 2 (plans) on previous permission 2017/93459 for erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) – VOC Approved

2019/90010: Discharge of conditions 18 (Ecological design strategy) and 22 (Electric vehicles charging point) on previous application 2017/93459 for erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) – DOC Approved

2020/91502: Non material amendment to previous permission 2019/92843 for erection of three supporting columns and mesh cricket fencing (12m in height) – NMA Approved

4.3 Surrounding Area

85, Swallow Lane

2021/90604: Erection of two storey side and first floor extensions – Refused (Upheld at Appeal)

adj, 88, Swallow Lane

2020/92706: Erection of 2 semi-detached dwellings with associated access and landscaping works – Conditional Full Permission

2020/94279: Erection of first floor extension to side and single storey extension to front – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Officers expressed concerns over the proposal as submitted, which was for 19 dwellings. Of these, 14 were to be 4-bed detached units. This over reliance on large, detached units led to a cramped layout that was an ineffective use of the land. The original scheme also met opposition on other grounds, including amenity, highways, and design.
- 5.2 Negotiations took place to address the various issues. This took the form of establishing a reasonable quantum of development for the site, and the scale of the units. The applicant expressed a preference for fewer but larger units to address perceived changes in house buyer desires during COVID and local supply. Officers maintained an expectation to comply with Local Plan policies and evidence, suitable amendments were secured.
- 5.3 The proposal was amended to 22 dwellings following indicative plans being commented upon by officers. Following submission of full plans, the application was readvertised to neighbouring residents and interested parties. On detailed review of these plans, officers identified remaining issues relating to neighbouring amenity, urban design, and highways. This led to a final round of discussions and negotiations that resulted in the current proposal for 21 units. Based on these final amendments, officers were supportive of the application.

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).

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

- 6.2 The application site is part unallocated, and part of Housing Allocated HS152 (circa 40% of the allocation's area). The site allocation HS152 has an indicative housing capacity of 49 dwellings. The remainder of HS152 has been previously developed via 2017/93459. The land to the immediate south is allocated as Green Belt.
- 6.3 Within the Local Plan site allocation HS152 identifies the following constraints relevant to the site:
- The provision of a pedestrian footway is required across the site frontage

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP5** – Masterplanning sites
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **Chapter 19** – Green Belt and open space
- **LP63** – New open space
- **LP65** – Housing allocations

6.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council:

Supplementary Planning Documents

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide (HDG) SPD (2021)
- Open Space SPD (2021)

Guidance documents

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

National Planning Guidance

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and 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 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.7 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

Climate change

6.8 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.9 On the 12th of 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 predates 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda. This includes Policies of the more recently adopted Housebuilders Design Guide SPD.

7.0 PUBLIC/LOCAL RESPONSE

The applicant's statement of community involvement

- 7.1 The application is supported by a statement of community involvement which outlines the public engagement the applicant undertook prior to their submission. The applicant posted an information flyer and questionnaire to approximately 74 local addresses, including those living in 'phase 1' of the development, which gave details of the proposal.
- 7.2 In total 11 responses were received, some using the questionnaire and others written submissions. Predominantly comments on the development were in the negative with most respondents (86%) believing the site should not be developed. Feedback on specifics of the proposal were limited.
- 7.3 The applicant has responded to each of these points. Their responses are contained in their submitted Statement of Community Involvement and are to be considered where relevant within this assessment although it should be noted that the proposal has since been amended on the request of officers.

The planning application's public representation

- 7.4 The application has been advertised as a Major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement. Following the principal amendments to the application it was readvertised via neighbour notification letter. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation. The final amendments were not re-advertised, as they were deemed minor in scale and in direct response to concerns raised.
- 7.5 The end date for the second period of advertisement was the 8th of February 2022. Across the two public representation periods a total of 17 public representations were received. The following is a summary of the comments received:

- No details on construction traffic arrangements have been given. Access through phase 1 for construction traffic is not appropriate, due to having a play area and children.
- More traffic through phase 1 will harm highway safety and more traffic calming is needed.
- Planting for phase 1 has not been done, therefore concerns that it will not be done as part of phase 2.
- The public space for phase 2 is a 'glorified' access route. The site should include dedicated play facilities.
- The Swallow Lane junction is heavily parked so has poor visibility. The pedestrian access should be a second vehicle access.
- Neither phase 1 nor phase 2 have a footpath, requiring people to walk on the carriageway. Whilst not in contravention of design standards, good practice shows where suitable width pavements cannot be provided, traffic flow should be minimised, and provisions placed to lower speeds.

- The transport statement references 19 properties, not the amended 22. The Design and Access Statement is also out of date. This should be updated and re-advertised.
- Visitor parking conflicts with the refuse vehicle turning circles.
- Affordable housing being only market reduced housing (Starter Homes / First Homes) is not appropriate. The S106 should be uploaded. Developer profits should be sufficient to pay all required contributions.
- Concerns of overshadowing / overlooking / overbearing upon neighbouring properties, harming their amenity. Plots 19 – 22, including their garages, are on higher ground levels, exacerbating this and some neighbouring properties are notably close to the shared boundary.
- The plans are unclear on how the boundaries will be treated and where planting will be located, with plans being inconsistent.
- The proposal will harm local infrastructure, including schools and doctors.
- Swallow Lane is a busy road.
- Concerns that tree removal will harm shared boundary walls.
- Bins are to be stored next to neighbouring properties, which will cause odour and vermin.
- Bats are known to roost in the area and are active in season.
- Request for an access to be provided to the rear of units fronting onto Swallow Lane.
- The materials on the plans are unclear and should include an improved key.

7.6 The site is within Golcar Ward. No comments have been received from local ward members.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: Expressed initial concerns and objections to the layout. Provided advice and feedback to officers and the applicant which was incorporated into the proposal. Based on the final design, no objection subject to planning conditions.

K.C. Lead Local Flood Authority (LLFA) Initially sought further details upfront. Post amendments Senior Drainage Officers reviewed that submitted and were satisfied that there were no prohibitive concerns. Subject to appropriate conditions being imposed, the LLFA offers no objection.

Yorkshire Water: No objection subject to condition.

8.2 Non-statutory

K.C. Designing Out Crime: Has provided advice and feedback on the proposal, including on grounds outside of the scope of planning (i.e. door security standards) which have been provided to the applicant.

K.C. Ecology: Accepted the survey and assessment of the site's ecological value. No local ecological harm was identified, subject to appropriate mitigation and enhancement via condition. However, the proposal, as originally submitted, included no Ecological Net Gain calculations. These have since been provided and accepted.

K.C. Education: Have reviewed local school capacity in the context of this proposal and identified a required contribution of £37,233.

K.C. Environmental Health: No objection subject to conditions being imposed.

K.C. Landscape: Have provided advice and feedback on securing high quality landscaping around the site. This has been demonstrated but requested a condition to secure appropriate landscaping and ongoing management. Also provided advice on Public Open Space and have calculated a required off-site contribution of £36,645.

K.C. Strategic Housing: Confirmed that the proposed development requires four affordable homes and confirmed that the size and location of these proposed appropriately responds to local needs. In terms of tenure, two affordable rent and two intermediate tenure is compliant with policy.

K.C. Trees: Confirmed that no trees on site benefit from, or warrant, a Tree Preservation Order. Expressed concerns over the level of tree loss and limited re-planting. During the application the amount of tree removal has been reduced and the amount of new tree planting on site increased.

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay unless material considerations indicate otherwise.

Land allocation

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. As set out in the Authority Monitoring Report 2020/2021 (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The application development principally falls within (part of) housing allocation HS152 within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. An area of unallocated land (circa 0.15ha) has also been incorporated into the development area. The residential development of a housing allocation is welcomed, and there are no in-principle issues with residential development on unallocated land. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.4 LP7 and Principle 4 of the Housebuilders Design Guide (HDG) SPD require development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan HS152 is expected to deliver 49 dwellings.
- 10.5 The development of HS152 has been split into two phases, with this application representing the second phase (plus an additional 0.15ha of unallocated land). The first phase has been built out, under application 2017/93459, which approved 19 dwellings. With the proposed 21 units the allocation (incorporating the unallocated land, for simplicity) would deliver 40 units which is a housing density of 25.6 dwellings per ha.
- 10.6 This figure is notably below the Local Plan's target. However, several factors must be considered. Phase 1 was assessed prior to the adoption of the Local Plan and therefore a target density of 35dph was not adopted policy (although the publication draft Kirklees Local Plan did carry weight at the time of the decision). Taken in isolation, phase 2 achieves a density of 28.3 dwellings per ha. While still below the target, being a smaller site surrounded by development on 3 sides, with some of the neighbouring dwellings having windows unusually close to the boundary, alongside topographical issues and respecting the character of phase 1, there are constraints on achieving a higher density. These constraints will be considered further where relevant within this report.

10.7 Policy LP11 of the Local Plan requires consideration of housing mix. LP11 requires a proposal's housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2, 3, 4+ bed) and form (detached, semi, terrace, bungalow). In this case, the proposal includes a mix of detached and semi-detached units, with one terraced row (of 4 units), with the following mix of unit types:

- Three-bed: 12 (57.2%)
- Four-bed: 7 (33.3%)
- Five-bed: 2 (9.5%)

10.8 Weighing Policies LP7, LP11 and Principle 4 of the Housebuilder Design Guide's requirements against the constraints and relevant planning history, officers do not raise concerns over the housing mix or forms proposed. The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. The proposal would aid in the delivery of the Council's housing targets and the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, assessed below.

Sustainable development and climate change

10.9 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social, and economic aspects of sustainable development, all of which are relevant to planning decisions.

10.10 The site is within the urban envelope, within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. Notably the site is within proximity of Golcar local centre. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

10.11 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

10.12 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban Design

- 10.13 Relevant design policies include Policies LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*. These policies are supported by various Principles outlined within the Housebuilders Design Guide (HDG) SPD, which will be considered where relevant.
- 10.14 At present the site is a mostly vacant greenfield land, with a small modern industrial shed to the north and sporadic outbuildings around elsewhere. The removal of these structures is not opposed, as they are deemed to either have a neutral impact on, or harm, the attractiveness of the area. The western half of the site appears to have been used as informal garden associated with a neighbouring property, with the remainder vacant. The site is enclosed on three sides by development, although the southern edge is agricultural fields in the designated Green Belt. While the change from open land to built development would be readily evident, being surrounded by development on 3 sides and not projecting beyond the established urban boundary, the impact would not be unduly prominent when viewed from any direction, near or far, and the visual loss of the land as green space is not opposed.
- 10.15 Considering the layout of the development, and how it fits into the established environment, the proposed development would be accessed via the existing road through phase 1, which itself connects to Swallow Lane. Phase 1's road was designed with this prospect in mind and currently ends at the shared boundary between the phases. The new road would be continued through the site, before branching into several culs-de-sac / turning areas with dwellings positioned around. The urban grain of the area, the pattern of development and dwellings, is varied. While Swallow Lane is largely fronted by terrace rows, there are branching side streets with modern suburban patterns of residential development. The proposal would reflect these side streets, which is a reasonable response to the pattern of development in the area.
- 10.16 Active frontages have been achieved to provide an attractive and engaging streetscene. Blank side facing walls onto public realm are kept to a minimum. The 'Barbridge' house type, which has an active side elevation, has been used on key corner plots to add interest. While parking is predominantly located to the front of dwellings, side parking has been achieved on important corners which, along with good landscaping and short runs of housing, will prevent the development appearing overly dominant by parking. Garages are set back and not overly dominant. Overall, the development follows the design patterns established within phase 1 and these suburban streets, which is deemed appropriate, comply with the guidance of HDG SPD Principles 5 and 12.
- 10.17 It is noted that the land to the south is allocated as Green Belt and the proposal would bring built development close to the boundary. The NPPF establishes a general principle for protecting the openness of the Green Belt, however neither the Local Plan nor NPPF specify strict separation requirements for development on land adjacent the Green Belt. Principle 8 of the HDG SPD requires that *'transition from urban to open land should be carefully considered*

where development is located on the edge of the urban area', although it does not specifically reference the Green Belt. Nonetheless, in local settings development being adjacent to the Green Belt boundary is not unusual and there are numerous examples of similarly close relationships elsewhere in Golcar. Accordingly, there is deemed to be no undue harm to the Green Belt through the proposed layout, nor is it considered contrary to HDG SPD Principle 8.

- 10.18 The appearance of the proposed dwellings follows the design thread of phase 1, with several of the same house types being used. All units are two storeys, which is appropriate for the area, and are of a comparative scale. Roof forms are varied which harmonises with the pattern of the area, and there is no prevalence of roofs following land contours to tie into. Fenestration replicates established sizes and patterns, with the proposed dwellings having a typical Pennine vernacular which would harmonise well with the surrounding development. Five different unit types are proposed, which is deemed reasonable diversity for a development of this size. The predominance of semi-detached units, with less terraced and detached units, is considered appropriate within the context of the wider area. The architectural form and appearance of the units are considered acceptable, in compliance with policy LP24 of the KLP and the guidance of Principles 14 and 15 of the HDG.
- 10.19 Materials are to be artificial stone with render as a secondary material. Roof tiles are to be grey concrete. The applicant has stated that materials are to be the same as those approved and used on phase 1. The continued use of the same materials is compliant with Principle 13 of the HDG SPD and may be secured by condition.
- 10.20 Policy LP33 of the KLP establishes a principle against the loss of trees of significant amenity value, with further guidance given by Principle 7 of the HDG SPD. At present the site hosts numerous trees, with many to be felled as part of the proposal. There are no trees benefiting from Tree Preservation Orders within the site or on neighbouring land, with many being in a poor state. K.C. Trees have reviewed the proposal regarding trees and conclude none of the trees are of public or significant amenity value. Nonetheless, negotiations have taken place to retain as many of the trees on site as is practical, in the interest of good design. Of note, this includes several of the trees within the tree belt along the western boundary now being retained. The retention of these, and a methodology detailing how they will be protected during construction, is recommended to be secured via condition. Despite this, mitigation would be required to off-set the trees to be lost within the site. The revised NPPF (July 2021) introduces an expectation for all new streets to be tree-lined. However, given this postdates the submission and initial negotiations on this application and that the design principles established by Phase 1 does not include this, it has not been deemed reasonable to insist upon this. Nonetheless the applicant has sought to maximise tree planting within the development. This includes the tree-lined access path, new planting along the west boundary, and other sporadic tree planting around the site using standard trees (semi-mature). A detailed landscaping strategy has been submitted which details this, and is welcomed in principle; however, details of adequate ongoing management and maintenance are absent. Therefore, a condition for a fully comprehensive landscape strategy is recommended to ensure compliance with Policies LP24, LP32 and LP33 of the Kirklees Local Plan, and Principle 7 of the HDG SPD.

- 10.21 Boundary treatments include, between units and to most rear boundary's, 1.8m high timber fencing, which is acceptable. However, where rear boundaries front the public realm, boundaries are to be art-stone walls with timber panels, as per phase 1, which is consistent and considered an attractive feature. At present the south and west of the site has a low (circa 1.2m) natural stone wall separating it from neighbouring land. This is to be retained, with fencing erected behind it, which is a welcomed retention of a good quality feature. The retention of this wall is recommended to be secured via condition. Subject to this, officers consider the boundary treatment's design to be acceptable and in accordance with Principle 5 of the HDG SPD.
- 10.22 Policy LP20 of the KLP requires development to prioritise pedestrian and cyclist movements, with Principles 10 and 11 of the HDG SPD providing more detail on this. In terms of connectivity and pedestrian / cycle routes, opportunities are limited for the site as there is development to three sides and Green Belt fields to the south (there are no connecting PROWs within the fields). However, the site's primary opportunity has been taken; an area of Public Open Space with path is proposed to connect the site to Swallow Lane to the north. This is a welcome inclusion which would promote access into and out of the site for pedestrians and cyclists, being 3m wide. This would connect to a 2m wide footway along the frontage of Swallow Lane, enabling pedestrian sightlines and helping pedestrians on the street. No other open space is proposed within the site and there is a shortfall against standards. However, this is not unusual for a site of this size with that proposed deemed reasonable and would not lead to an unattractive site. The Public Open Space shortfall is recommended to be addressed via an off-site contribution (considered further in paragraphs 10.64 – 10.65). Accordingly, the development is deemed to comply with Policy LP20 of the KLP and Principles 10 and 11 of the HDG SPD.
- 10.23 There are no listed buildings within or near the site. The Golcar Conservation Area is sited circa 170m to the east and 90m to the south. By virtue of the distance and intervening structures and/or terrain, the proposal is not expected to impact upon the historic environment directly or indirectly.
- 10.24 The proposed works would notably change the character and appearance of the site, however the impacts of this would be limited. The proposed development is considered to be sufficiently well designed and it would result in an attractive continuation of the residential environment. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF, and the guidance of the HDG SPD Principles outlined above.

Residential Amenity

- 10.25 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. Furthermore, the Housebuilders Design Guide SPD sets out several design principles to protect amenity, which will need to be considered when assessing a proposal's impact on residential amenity. These are further supported by policies outlined within Chapters 12 and 15 of the NPPF.

- 10.26 There are residential properties with facing windows closely spaced to three of the site's boundaries, which has been a contributing constraint in the proposal's design.
- 10.27 To the north of the site is the terrace row comprising nos. 95 – 117 Swallow Lane. These existing units have relatively small gardens which separate their rear walls from the application site. The proposed dwellings, specifically plots 13 – 17, would back onto these units at distances between 20.5m – 21m to their original rear elevations, with several dwellings having rear extensions further reducing the separation distance.
- 10.28 The HDG SPD Principle 6 seeks a minimum of 21m facing distance between dwellings on level ground, which would not be achieved in several places. The SPD does allow for lower distances where design solutions have been incorporated which reduce the impacts. Beyond boundary fencing, which would limit impacts of overlooking between facing windows, no specific design solutions have been incorporated to justify this shortfall. Therefore, careful consideration has been given to the impact of the distance shortfall upon these residents.
- 10.29 The proposed layout has been reached following thorough consideration of the site's constraints and the need to deliver an effective and efficient development. The small garden sizes of nos. 95 – 117 Swallow Lane (typically sub 4m in length) do put pressure on the application site, through having to incorporate most of the separation distance in the gardens of new dwellings, leading to larger than typical gardens and pushing units within the site together. In practise, the shortfall of up to 0.5m (to original walls) will be near imperceptible and have minimal impact upon the amenity of existing residents and is not considered to cause materially harmful overbearing, overlooking, or overshadowing impacts. For the neighbours with extensions, while further below the recommended 21m in the SPD, the extensions are predominantly single storey, so overlooking will be mitigated through the proposed boundary treatment. One dwelling has a two-storey extension, which will be 19.2m away from plot 14. Weighing the merits of the proposal, the separation distance, and the nature of the Swallow Lane terrace row, is not deemed an unusual separation distance for extended residential properties. There are no concerns regarding overbearing or overshadowing due to the distance, and on balance there is not expected to be a harmful loss of privacy or other harmful impacts. Overall, the separation distances proposed are concluded to not result in unreasonable harmful overbearing, overshadowing, or overlooking and would not harm the privacy of existing residents living within nos. 95 – 117 Swallow Lane.
- 10.30 To the east of the site are the dwellings of phase 1 (Century View), which are complete and occupied. Proposed plots 18 – 21 would back onto nos. 8 – 12 Century View. Plot 18 and no. 8 have an unusual arrangement, in that no. 8 Century View has a blank wall (bar non-habitable room windows) circa 1.5m away from the shared boundary. Given that no. 8 has no habitable room windows, there are no concerns of overlooking from plot 18. Plots 19 – 21 would be greater than 21m away from nos. 10 and 12, in accordance with the recommended minimums outlined in Principle 6 of the HDG SPD, although the Principle requires consider of whether differing ground levels require a greater distance. While they sit on land circa 2m higher, the separation distance is considered sufficient to prevent undue concerns of overlooking, overbearing, or overshadowing upon the residents of nos. 10 and 12.

- 10.31 Public representations have raised concerns regarding the garages at plots 18 and 21, which are adjacent to the shared boundaries of their rear neighbours and are also on higher ground levels. Plot 18's garage would be aligned away from the adjacent no. 8, and while it would be evident from the garden space it's not anticipated to cause materially harmful overbearing or overshadowing. For plot 21's garage, it would be 11.6m away from no. 10's rear wall. The HDG SPD's separation distances do not relate to outbuildings, with the structures proposed being smaller compared to dwellinghouses. Based on the proposed distances, while it is accepted that plot 21's garage will be prominently visible from no. 10's rear windows and their garden, notwithstanding the height difference, the relationship proposed is not considered materially harmful through overbearing or overshadowing to the residents of no. 10.
- 10.32 West of the application site are dwellings on Heathwood Drive. Nos. 25 – 29 Heathwood Drive would back onto the side, while the bungalow no. 22 Heathwood Drive presents a side elevation with habitable room windows. The proposed dwellings would have side elevations facing these units. Discounting extensions, all separation distances exceed the required minimums outlined within the HDG SPD and the new dwellings are not expected to cause harmful overbearing or overshadowing. It is recommended that side facing windows within these units are required to be obscured, via condition, to ensure no overlooking.
- 10.33 Boundary treatments associated with the new dwellings are to be erected along the west boundary, where it would consist of 1.8m high close boarded fencing. Being on the shared boundary, this fencing will be up to 5.5m away from the rear windows of the units on Heathwood Drive. While this will limit their outlook and change the setting of their gardens, fencing 1.8m in height is typical in residential areas, and it should also be noted that Planning Permission is not required to erect fencing up to 2m (other than adjacent to the road). Accordingly, the fencing is not expected to cause materially harmful overbearing or other harm to the amenity of residents. However, at the moment no fencing is shown to the ear of no. 29 Heathwood Drive. On the application site, the area would be private drive for plots 12 – 14. This would introduce a semi-public area adjacent to a private garden, with only a 1.2m high stone wall as a boundary. The applicant has agreed to approach the resident to discuss whether keeping it open or providing a fence is preferable. Either option would be acceptable from a planning perspective, however this is a welcomed compromise to involve the resident. The submission of a full boundary details may be secured via condition.
- 10.34 In terms of noise, although the proposed residential development would increase activity and movements to and from the site, a residential use is not inherently problematic in terms of noise and is not considered incompatible with existing surrounding dwellings.
- 10.35 Notwithstanding the above, a condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. This is to manage disruption to neighbouring residents during the construction phase. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.

10.36 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units. The sizes (in sqm) of the proposed residential units are a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they are cited within the Housebuilders Design Guide (Principle 16) and provide useful guidance which applicants are encouraged to meet and exceed. All dwellings would be NDSS compliant, as set out within the table below table:

House Type	Number of units	Proposed (GIA, m ²)	NDSS (GIA, m ²)
Baycliffe – 3bed*	12	87.4	84
Banbury – 4bed	3	125.7	97
Barbridge – 4bed	3	154.9	97
Bentley – 4bed	1	150.4	97
Latchford – 5bed	2	180.7	110

*Includes semi-detached and terraced variants.

10.37 Garden sizes are commensurate to the scale of their host dwellings as required by Principle 17 of the HDG SPD. All the proposed houses would benefit from being dual aspect, allowing for thermal regulation and varied outlook. As considered previously, certain units are below the typical minimum separation distances to neighbouring 3rd party dwellings, however this has been assessed within paragraph 10.29 and deemed acceptable. There are also examples of internal separation distances between units within the development falling below these standards. These shortfalls vary between 1m and 2m. However, the HDG SPD does acknowledge that appropriate design solutions can address this shortfall. In this case design solutions include the respective angle of dwellings to one another, intervening boundary treatments and window placements. These factors, combined with the minimal shortfall, are deemed sufficient to demonstrate that future residents would not suffer from unacceptable overbearing, overlooking, or overshadowing due to the proposed internal layout.

10.38 Car parking is well related to the dwelling which it serves, except for plot 21. While not ideal, this has been necessitated by the constraints of the site along with securing a reasonable density. Ultimately the detachment is not so severe to cause material harm to the amenity of future occupiers of plot 21.

10.39 Public Open Space of 526sqm would be provided on site and help contribute to the amenity of future and neighbouring residents. This would take the form of a narrow connection to Swallow Lane and, while it would offer greenery and be visually attractive, would have limited function as destination open space. The residents would however have access to the POS on Phase 1 and are adjacent to the rural environment. Of note there are two play areas within a short walk (off Manor Road and Scapegoat Hill) that are accessible to residents. Therefore, the shortfall is not considered to prejudice resident's amenity standard. However, the shortfall is below the policy required on-site contribution, calculated in accordance with Local Plan policy LP63 and the

methodology set out in the Open Space SPD, nor would a dedicated Local Area of Play (LAP) be provided on site. To offset this shortfall a contribution of £36,645 would be provided, to be spent in the local area. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of the on-site open space.

- 10.40 To summarise, the proposed development is considered not to result in undue detriment to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan and Principles 6, 16, and 17 of the HDG SPD.

Highways

- 10.41 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe. The Highways Design Guide SPD outlines expected standards for new developments and their roads.
- 10.42 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe
- 10.43 First considering traffic generation and movements, the proposed development would use the access from Phase 1 onto Swallow Lane. Using the national TRICS database, at 21 dwellings the following car traffic generation is expected during the AM and PM peak hours.

Phase 2 Movements		
Peak Hour	Arrivals	Departures
AM	4	11
PM	10	6

For information, as they would use the same singular access road, the following is the combined movements for phase 1 (19 units) and phase 2 (21 units).

Combined Phase 1 and Phase 2 Movements		
Peak Hour	Arrivals	Departures
AM	7	21
PM	18	12

- 10.44 Individually and combined, these are deemed to be a reasonably low levels of traffic movements which would not have a notable or detrimental impact upon the capacity of the local network. This is giving due regard to other potential nearby developments. Reviewing the collision record, the Transport Assessment referenced two incidents noted as part of the Phase 1 Transport Assessment. These were attributed to human error. A fresh review has taken place for incidents since the Phase 1 Transport Assessment and found no further incidents.
- 10.45 Progressing to the internal layout, the submitted road details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at S38 stage. Full technical details of the new road, to an adoptable standard, are to be sought via condition.
- 10.46 Notwithstanding the above, the Highway Authority has received complaints that vehicles are parking upon the access from Swallow Lane onto Phase 1 (which this development will utilise). This has also been reflected in the public representations received to this application. The parking is causing sight line issues for vehicles using the junction which is a cause for the concern. Given that this proposal will materially increase traffic using the junction, it is deemed reasonable and necessary to impose a condition for methods of preventing parking in this location. This is also deemed necessary for the new footpath along Swallow Lane where the pedestrian footpath connects.
- 10.47 All dwellings would have off-street parking compliant with the Kirklees Highways Design Guide, which is welcomed. Visitor parking is typically sought at one per four dwellings, with six proposed. This is over the expected minimum by one which does not raise concerns (six was secured when the scheme was for 22 units).
- 10.48 Considering alternative methods of travel, the site is well served by local amenities and public transport, enabling non-car access to local services and into Huddersfield town centre to access the wider region. Pedestrian connectivity has been considered previously, within paragraph 10.22. In summary, the pedestrian linkage of the site to Swallow Lane is welcomed and would promote pedestrian and cyclist movements. The provision of a 2m wide footway along the frontage of Swallow Lane would help pedestrian sightlines and support walkers on Swallow Lane and may be secured via a separate condition. Methods to prevent vehicles parking on the new footway will also be required. For cycle parking, many units benefit from garages. However, a condition requiring the provision of adequate cycle storage facilities for non-garage dwellings is recommended, to promote the use of bikes as an alternative method of transport. A condition is recommended for each unit to have an Electric Vehicle Charging Point (EVCP). Following the adoption of the Kirklees Highway Design Guide, Highways Development Management (HDM) no longer seeks to monitor Travel Plans on residential sites less than 50 units, such as this site (with both phase 1 and 2 combined are still below this threshold).

- 10.49 Given the scale and nature of the development officers recommend a Construction Management Plan be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable, and a condition is proposed by planning officers.
- 10.50 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework, along with the guidance contained within the Highways Design Guide SPD.

Waste collection

- 10.51 A turning head would be provided within the site, which has been demonstrated to be able to accommodate a refuse vehicle.
- 10.52 Dedicated waste storage areas have not been shown on plan; however, all units would have sizable rear gardens and access to their gardens. Therefore, there are no concerns that appropriate waste storage cannot be achieved. For waste collection, dedicated waste collection zones have been shown for each dwelling and communal collection points for dwellings served by a private drive. The provision, and thereafter retention, of these facilities may be secured by condition. Given the scale of the development, which would likely be phased, a condition is to be imposed for a waste collection strategy during the construction phase. This is because refuse services would not access roads prior to adoption therefore appropriate arrangements must be considered and implemented.
- 10.53 The proposed development is considered to have acceptable refuse storage and collection arrangements, which can be managed without harming the safe and efficient operation of the highway, in accordance with LP21(f) and the guidance of Principle 19 of the HDG SPD.

Drainage

- 10.54 Policy LP27 of the Kirklees Local Plan and Chapter 14 of the NPPF outline the required approach to considering flood risk. Assessing flood risk first, the site is within flood zone 1, which is land having a less than 1 in 1,000 annual probability of river or sea flooding (low risk). Given this, and the site has an area below 1ha, a dedicated Flood Risk Assessment was not necessary. The LLFA confirm they have no concerns regarding fluvial flooding.

- 10.55 Pluvial flooding relates to surface water flooding risk, which requires an adequate drainage strategy be in place. Policy LP28 of the Local Plan and Chapter 14 of the NPPF form the relevant policy context. A drainage strategy has been submitted and reviewed by the LLFA. The applicant has followed the hierarchy of drainage before reaching the proposed discharge into public combined sewer, at an acceptable 3.5l/s for a greenfield site. This arrangement has been reviewed by both the LLFA and Yorkshire Water and has been accepted. The LLFA had raised technical queries regarding the attenuation tank design, however these are minor points and there are no prohibitive reasons why an acceptable design cannot be reached. Accordingly, the LLFA are satisfied that these matters may be addressed via appropriate planning condition. The drainage system's indicative maintenance plan was deemed acceptable. For flood routing adequate information has been provided for the LLFA to determine, in the event of an exceedance event, water would flow onto the development's road and onto phase 1's road before reaching Swallow Lane. This is reasonable and appropriate.
- 10.56 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.57 Foul water from the proposed development would discharge to the existing combined sewer. This proposal has not attracted an objection from Yorkshire Water and is considered acceptable.
- 10.58 Considering the above, subject to the proposed condition and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

Planning obligations

- 10.59 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

Affordable Housing

- 10.60 LP11 of the Local Plan and the Council's Interim Affordable Housing Policy requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution of 21 units would be 4 units (rounded). This has been offered by the applicant.
- 10.61 Tenure is proposed to be two 'starter homes', a form of intermediate tenure, and two 'social rent', a form of affordable rent. This split complies with the Council's Interim Affordable Housing Policy, which seeks 55% affordable rent, and 45% intermediate tenure.

- 10.62 The offered units are all 3-bed units. This has been considered by K.C. Strategic Homes, who consider this reasonable based on local housing needs. In terms of quality, the house type proposed is the same as market units and there are no concerns over its quality. All four affordable units are proposed alongside each other. It is not considered necessary to spread the units around the site, given the scale of the development. Furthermore, a key function of 'pepper potting' is to improve social cohesion, however these units are centrally located and ideally located in the site.
- 10.63 A S106 is proposed, to include a clause, requiring that the dwellings be retained as affordable housing stock in perpetuity. The proposal is considered to comply with the aims and objectives of LP11 of the Local Plan and the Council's Interim Affordable Housing Policy.

Public Open Space

- 10.64 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.
- 10.65 The application proposes 526sqm of on-site Public Open Space, with an offsite contribution of £36,645 agreed, which is in accordance with the Public Open Space SPD. The contribution is recommended to be secured within the S106 and would be spent within the local area. This is considered appropriate to comply with policy LP63 of the Kirklees Local Plan.

Education

- 10.66 Applications proposing over 25 dwellings require consideration as to whether education contributions are required. While this proposal falls below 25 units in isolation, it forms phase 2 of a larger development which cumulatively exceeds 25 units. Therefore, giving due regard to LP5 and master planning principles, it has been deemed reasonable to seek an education contribution.
- 10.67 The contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions would only be sought where the new housing would generate a need which cannot be met by existing local facilities. This would be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided. This provides a consistent approach to securing the education contribution within the planning application process.
- 10.68 K.C. Education have considered local primary provision (Golcar Junior Infant and Nursery) and secondary provision (Colne Valley High School). Colne Valley High School was identified as being above capacity and a contribution would be required to address this. The contribution has been calculated as £37,233 and agreed with the applicant.

Biodiversity

- 10.69 In accordance with policy LP30 of the Kirklees Local Plan, developments are expected to demonstrate a net gain to local ecology. This is measured via the biodiversity metric and should be delivered through on-site enhancements. When sufficient enhancements cannot be delivered on site, an off-site financial contribution may be sought.
- 10.70 As set out within paragraph 10.81, an off-site contribution is expected for this site, valued currently at £7,245 to provide 10% net gain. This figure has been agreed with the applicant.

Management and Maintenance

- 10.71 It is recommended that the S106 agreement include terms for the provision of long-term maintenance and management of the surface water drainage features (until adoption) and the on-site public open space. This is to ensure appropriate responsible bodies are in place to ensure the ongoing management and maintenance of these assets.

Other Matters

Air quality

- 10.72 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.73 Notwithstanding the above, in accordance with local and government guidance on air quality mitigation, it is reasonable to seek methods to mitigate air quality harm. Given the scale and nature of the development officers seek the provision of suitable electric vehicle charging points (EVCP) at the rate of one per dwelling. The purpose of this is to promote modes of transport with low impact on air quality.
- 10.74 The applicant has provided a plan showing 1 EVCP per dwelling, which is welcomed. However, no technical specifications have been provided to demonstrate a suitable standard would be installed. The provision of 1 per dwelling, of a suitable standard, may be secured via condition.
- 10.75 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

Contamination

- 10.76 The site is not within a Coal Referral Area, nor are there historic indicators of contamination. Nonetheless, all major residential developments are required to be considered general ground contamination. The applicant has submitted Phase 1 and Phase 2 ground investigation reports which have been reviewed by K.C. Environmental Health.

- 10.77 The Phase 1 has been accepted; however, the Phase 2 provides inadequate assessment for Environmental Health to support the conclusion. Specifically ground gas has not been appropriately considered. Accordingly Environmental Health recommend conditions relating to further ground investigations and a scheme of remediation, if needed. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

Crime Mitigation

- 10.78 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24(e).

Biodiversity

- 10.79 Policy LP30 of the KLP and Chapter 15 of the NPPF, with guidance set out within Principle 9 of the HDG SPD, require that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.80 The application is supported by a Preliminary Ecological Appraisal (PEA). It identifies that no site-specific surveys are required and offers an offers sufficient detail for K.C. Ecology to assess the proposal. The report outlines that with the implementation of mitigative measures, no significant ecological impacts are anticipated because of the development. This is accepted by K.C. Ecology, who request that these mitigation measures are secured via condition which officers recommend.
- 10.81 While no harm would be caused, all developments are expected to demonstrate a net gain to ecology. Net gain is measurable using the DEFRA Biodiversity Metric, allowing for the degree of change in biodiversity value to be quantified. The applicant has undertaken the metric calculations and concluded, post on-site interventions, a net loss of 0.16 ecological units on site. With a desired 10% net gain, this level of ecological unit loss would necessitate an off-site contribution of £7,130, to be spent on enhancements in the local area by the Council. This figure has been reported to the applicant and agreed. Subject to this being secured within the S106, alongside a condition for a Biodiversity Enhancement Management Plan (BEMP) to secure the provision of the habitat units identified on site, officers and K.C. Ecology consider the proposal to comply with the aims of LP30 of the Kirklees Local Plan and guidance of Principle 9 of the HDG SPD.

Minerals

- 10.82 The site is within wider mineral safeguarding area (Sandstone). Local Plan policy LP38 therefore applies. This states that surface development at the application site would only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it. The proposal is therefore not considered to conflict with LP38.

Permitted Development

- 10.83 The proposal has been assessed against the submitted plans. If built, the proposed development would benefit from Permitted Development rights for extensions and outbuildings. A condition removing permitted development rights for extensions and outbuildings from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree, and dwellings which back onto neighbouring dwellings, to prevent overlooking or overbearing.

Representations

- 10.84 A total of 17 representations have been received to date. Most matters raised have been addressed within this report. The following are matters not previously directly addressed
- No details on construction traffic arrangements have been given. Access through phase 1 for construction traffic is not appropriate, due to having a play area and children.

Response: A Construction Management Plan is to be secured via condition. Access through phase 1 is the only realistic approach, however these constraints will need to be acknowledged and addressed by the developer within their CMP.

- Planting for phase 1 has not been done, therefore concerns that it will not be done as part of phase 2.

Response: A condition is to be imposed requiring the planting to be provided and will be monitored by the Planning Compliance team.

- The public space for phase 2 is a 'glorified' access route. The site should include dedicated play facilities.

Response: The shape of the land limited options, however the connection to Swallow Lane is considered valuable for pedestrian connectivity. Having a green path is a welcomed feature that adds to its attractiveness. Given the size of the development dedicated play facilities is not deemed reasonable or necessary, however the proposal does include a contribution to include nearby facilities.

- The Swallow Lane junction is heavily parked so has poor visibility. The pedestrian access should be a second vehicle access.

Response: A condition is proposed to improve this situation. The proposed pedestrian access has insufficient space and could not provide adequate sightlines to be an acceptable vehicle access.

- Neither phase 1 or phase 2 have a footpath, requiring people to walk on the carriageway. Whilst not in contravention of design standards, good practice shows where suitable width pavements cannot be provided, traffic flow should be minimised and provisions placed to lower speeds.

Response: Phase 1 and Phase 2 have been designed with a 'shared surface' road, which does not include 2m wide footways. The road is considered acceptable for shared usage and there are no concerns of undue traffic speeds based on the design shown.

- The transport statement references 19 properties, not the amended 21. The Design and Access Statement is also out of date. This should be updated and re-advertised.

Response: Amendments through the planning process are to be expected. Given the minor change, which would not have a material change on traffic demands, updated reports were not required. Notwithstanding this, K.C. Highways have considered the proposal on the basis of 21 units and determined it to be acceptable.

- The proposal will harm local infrastructure, including schools and doctors.

Response: There is no Policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. With regard to schools, K.C. Education have considered local school capacity and concluded that a contribution of £37,233 is required to support local schools.

- Concerns that tree removal will harm shared boundary walls.

Response: A condition is recommended requiring the trees to be kept have an arboricultural method statement which details their protection. However, several trees adjacent to the stone wall will be removed. A condition is recommended requiring that the stone wall to the south and west is retained, to protect the wall. Also, any damage of a party wall would also be a private matter between interested owners.

- Bins are to be stored next to neighbouring properties, which will cause odour and vermin.

Response: The areas referred to a bin collection points and will be kept out for a minimal period. Furthermore, as residential waste, subject to frequent collection they are not expected to cause odour or attract vermin.

- Request for an access to be provided to the rear of units fronting onto Swallow Lane.

Response: This request from residents was given to the applicant, who confirmed they have no right of access. As this is a private matter between landowners, it does not form a material planning consideration.

11.0 CONCLUSION

- 11.1 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.
- 11.2 The proposal seeks residential development on a housing allocation. While the proposal does fall below the Local Plan's target density of 35 dwellings per hectare and does not achieve the allocation's indicative capacity, the layout of the development is considered a logical response to the site's constraints. The proposal has achieved a good mixture of housing types. Accordingly, the principle of development is acceptable.
- 11.3 Site constraints including topography, neighbouring residential properties, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. There would be no undue material harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology, and trees, have been addressed through the proposal.
- 11.4 The proposal would not harm material planning considerations. Furthermore, it would provide an enhancement to local affordable housing, providing 4 affordable units, and open space, with 526sqm on-site Public Open Space and £36,645 off-site contributions to enhance local facilities, in line with policy. Biodiversity and education contributions are also secured to mitigate the impacts of the proposal.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Materials to be the same/match those used in phase 1.
4. Full details of boundary treatments to be submitted and thereafter erected in accordance with details approved.
5. Retention of stone wall to the south/west of the site.
6. Submission of Landscape Strategy.
7. Arboricultural Method Statement to retain identified trees/protect trees during the course of construction.
8. Side facing windows for plots 9, 12, 13 (on west boundary) to be obscurely glazed.
9. Submission of Construction (Environmental) Management Plan.
10. Submission of Construction Management Plan.
11. Swallow Lane frontage footpath to be provided, with details to be submitted and approved.
12. Highways Condition Survey.
13. Methods to prevent parking on Swallow Lane, phase 1 junction and new footway.
14. Submission of details of road to adoptable standard.
15. Cycle storage details.
16. Bin collection areas to be provided and retained.
17. Submission of waste collection strategy for the construction phase.
18. Submission of suite of Contaminated Land Reports (further ground investigations and a scheme of remediation).
19. Details of temporary surface water drainage arrangements, during construction.
20. Surface Water Drainage Strategy.
21. Provision of Electric Vehicle Charging Points for all dwellings, to appropriate standard.
22. Development to be carried out in accordance with Ecological Mitigation Measures.
23. Submission of Biodiversity Enhancement Management Plan (BEMP).
24. Remove permitted development rights for extensions and outbuildings for specified dwellings (plots).

Background Papers

Application and history files

Available at:

[Link to application details](#)

Certificate of Ownership

Certificate B signed. Notice served on two individuals.

[Link to planning application details for Phase 1:](#)

[Link to application details](#)

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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 31-Mar-2022

Subject: Planning Application 2021/93564 Erection of two-storey and single-storey rear extensions, basement extension and front and rear dormers 8-10, Moorbottom Road, Thornton Lodge, Huddersfield, HD1 3JT

APPLICANT

M Sajar & Z Khatun

DATE VALID

17-Sep-2021

TARGET DATE

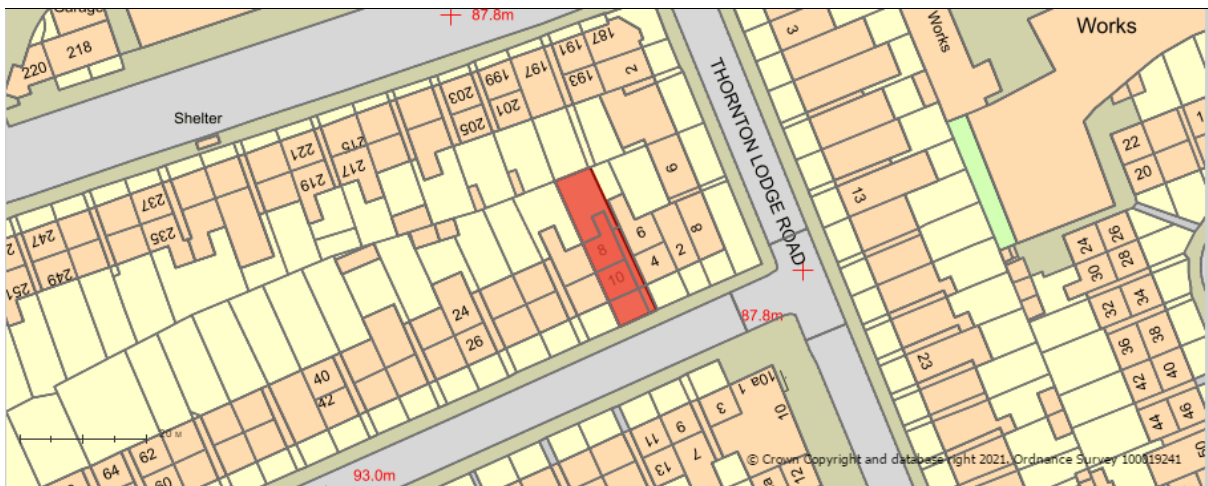
12-Nov-2021

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Crosland Moor and Netherton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application is brought before Huddersfield Planning Sub-Committee for determination under the terms of the Delegation Agreement following a request from Ward Councillor Erin Hill. Cllr Hill's grounds for requesting a Committee decision can be summarised as follows:

- The extension is not subservient to the original building, contrary to Policy LP24(c) and does not respect its character;
- Some of the development crosses over into the boundary of 14 Moorbottom Road and there is no guarantee that they will be in common ownership in perpetuity;
- The building control and environmental health issues which have been caused during the building process, and in particular the serving of an S60 notice in relation to noise and restriction of access to 6 Moorbottom Road;
- There is an apparent discrepancy even between this current retrospective application and what exists on the ground, and I would like assurance that this has been considered by planning officers.

1.2 The Committee Chair has confirmed that Cllr Hill's request is valid having regard to the Council Protocols for Planning Committees.

1.3 The application was brought before Sub-Committee on 9th December 2021 but was deferred at the request of officers because of inaccuracies in the plans which, in the view of case officers, made it not possible to fairly assess and determine the application. It was then presented to Sub-Committee on 10th February 2022. Members voted to defer it so that a site visit could be undertaken before the application was determined.

2.0 SITE AND SURROUNDINGS:

2.1 8-10 Moorbottom Road, Thornton Lodge is a two-storey mid-terrace dwelling. It is built in stone with a blue slate roof. It forms part of a long row of properties of similar appearance built on approximate east-west alignment, with their rear elevations facing north. The dwelling has a small enclosed front yard, and a

larger rear yard. To the north, where ground levels are somewhat lower, it faces the rear of back-to-back houses and commercial properties along Manchester Road.

- 2.2 The dwelling has been extended significantly and the presently unauthorised extensions are the subject of the current planning application.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of:

3.2 A rear extension, projecting 4.2m at ground floor and 3.0m at first floor, height from ground level to eaves being 6.2m so that eaves height is about 300mm below that of the original building. It is 5.3m in width, so as to be aligned with the western edge of the site but 1m short of the eastern site boundary so as to leave the passageway clear. The single-storey part of the extension has a lean-to roof, the first-floor part has a gable roof. The single-storey part also incorporates a basement.

3.3 A rear dormer 4.5m in width, 2.2m in height with a flat roof, also aligned to the right as viewed from the rear, above the extension.

3.4 A front dormer, 3.2m in width and with a pitched roof, aligned to the west or left as viewed from the front.

3.5 The living accommodation shown on the floorplans provides a total of 4 bedrooms including one in the attic. The works have already been undertaken. The extensions have been built in coursed stone of a similar type to the host building and with a blue slate roof. The rear dormer is finished in white plastic cladding and the front dormer in dark grey cladding.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

Planning Applications

- 4.1 2013/93881 – Erection of extensions and front and rear dormers. Approved

2020/90199 – Erection of extension and front and rear dormers. Approved. Development commenced but did not fully comply with approved plans.

2021/90962 – Erection of extension and front and rear dormers. Declared invalid owing to incorrect ownership certificate and unclear plans.

2021/93194 – Erection of two-storey rear extension and front and rear dormers. Declared invalid owing to incorrect ownership certificates.

Planning Enforcement

- 4.2 COMP/20/0510 - alleged extension not as approved (2020/90199) – Investigation commenced and it was established that the development was not built in accordance with the previously approved plans. An application was invited to be submitted. The investigation remains ongoing and is awaiting the outcome of this planning application.

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

5.1 23-Nov-2021: Case officer requested the following changes to the plans

- Bedroom 3 to be re-designated as another room such as a study
- Parapet wall atop single-storey extension needs to be shown accurately
- Position of rear dormer needs to be shown accurately on elevations
- The side entrance door should be shown on the “original” plans
- Elevations to show the dwelling in the context of the two adjoining properties
- Confirmation on plans that rear dormer will be re-clad in more suitable materials

5.2 The amended plans were submitted 30-Nov-2021. They were not subjected to new publicity since they amounted mainly to corrections and clarifications and were not considered to raise substantial new planning issues.

5.3 A further amended floorplan was submitted on 13th January 2022. This corrected the discrepancies in measurements that had been previously highlighted.

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).

Kirklees Local Plan (2019):

6.2 LP 21 – Highway safety
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity and geodiversity

Supplementary Planning Guidance / Documents:

6.3 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 following two documents have also recently been approved by Cabinet and these can be viewed at: [Link to Guidance and Advice Notes](#)

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Planning Guidance:

6.4 Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publicity period expired 1st November. Publicity was undertaken by neighbour notification letter in accordance with the requirements of the Development Management Procedure Order.

7.2 Representations have been made by three third parties. The concerns raised are summarised as follows:

- Poor design, not subservient to original building, shows a lack of coherence and is not in accordance with House Extensions and Alterations SPD. The dormer and roof light affects the symmetry of the building and not in keeping with surroundings. Other extensions have a single roof and an entrance door located on side elevation not rear.
- Use of white plastic as an external finish for the rear dormer does not comply with original approval and would also conflict with the aims of NPPF paragraph 135 in that it would result in the quality of approved development being materially diminished.
- Overbearing impact, not in accordance with SPD which states that a 3m projection for two storey rear extensions to terraced houses will normally be the maximum. Overshadowing of no. 6's main entrance door by first floor. Impact on privacy from raised entrance door and external landing. Overbearing impact and overshadowing from the dormer.
- It fails to provide a high standard of amenity for future and neighbouring occupiers (LP24b) in that it reduces the amenity space to the rear.
- A fence has been erected which blocks light to the garden of the adjacent property no. 6
- It does not maintain 21m between habitable room windows at the rear as set out in the Housebuilder Design Guide SPD. Habitable room windows would be only 12m apart.
- It causes additional impact on privacy and amenity over and above that caused by the previous rear extension, 2013/93881.
- The extension also blocks afternoon and evening sunlight. This will affect the ability grow plants there and will result in mossy, slippery surfaces which will impact on the personal safety of residents, and not being able to sit out will have a detrimental impact on their health.
- The rear extension traverses the boundary of 14 Moorbottom Road
- The proposed roof light breaches the property boundary adjoining no.6 Moorbottom Road so will not maintain appropriate distances between buildings.
- The description is incomplete as it does not mention the basement

- Inaccuracies in application form regarding date of completion which was earlier than the stated date. Section 5 (materials) has not been filled in.
- The previous ground floor plans do not show the original layout accurately, especially with regard to openings.
- The plans as existing do not show the steps down to the basement or up to the rear entrance door. This makes it difficult to calculate whether the proposed development takes up 50% or more of land around the original house.
- First floor plan and loft indicates that a portion of internal wall may have been demolished, so we ask that the case officer engage with Building Control to ensure that it is factored into the additional structural works that are still outstanding. Unauthorised loft plan shows a roof void at the rear which does not accord with what has been built because the dormer is built to the eaves.
- The location plan fails to include all the land necessary to carry out the development because it only includes 2/3 the width of the passageway. It also exaggerates the projection of the extension at no. 6.
- The block plan does not show the property at 14 Moorbottom Road nor does it show what has been built.
- The elevations show the property as if it were detached, contrary to Kirklees guidance.
- Rear elevation shows the dormer set back from the eaves when it is not.
- Discrepancies between side and rear elevation regarding dormer height.
- Side elevation does not show basement
- Position of wall atop ground floor extension roof is not shown accurately.
- The extent of demolition is unclear.
- Discrepancies in measurements between drawings.
- The basement storage having a separate externally accessible door may indicate a commercial use in connection with the applicant's grocery business which would mean more disturbance and loss of privacy.
- The installation of the soil pipe in the shared passageway reduces its width which has an impact on access especially by a wheelchair user. It will also make it more difficult to install a ramp in the future.
- Comments on the December Committee Report: height on elevations doesn't accord with what has been built which is actually 6.5m high; report dismisses as unimportant the extension going beyond western boundary; there are still inaccuracies regarding width; dormer height is actually 2.6m not 2.2m and is still shown as set back from the eaves and therefore permitted development fall-back position does not apply.

- The front garden should not be treated as part of the curtilage since 8-10 are two separate properties (or titles). Original rear garden is approx. 49sqm. The footprint of the extension and rear steps would be 55% of the area of the rear garden; It projects by further than the original rear back-to-back.

7.3 Ward Councillor comments (Ward Councillor Erin Hill) - Requests Sub-Committee decision and makes additional comments on the scheme, as set out in Section 1.1 above.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** There were no statutory consultees

8.2 **Non-statutory:** No consultations were considered necessary.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22.

10.2 The Householder Extensions and Alterations SPD is a material consideration and any departure from the proposals contained within it must be clearly justified.

10.3 Planning permission was sought and obtained (2020/90199) for the erection of:

- A two-storey rear extension projecting 3.0m, 5.2m wide, with a double-pitched roof.
- A dormer to the front, which is to be a total of 2.2m high with a pitched roof, aligned to the left and 2.4m wide.
- A flat-roofed dormer to the rear, which is to be 5.9m wide and 2.2m high.

- 10.4 This is an extant permission and can therefore be treated as a fall-back position. The development now under consideration differs from it in a number of ways, however. The two-storey rear extension has had its eaves height increased relative to the host building so now only maintains a height difference of about 300mm when previously it would have been 800mm. The approved extension was shown to have a small amount of underbuild but no basement accommodation. The lean-to single-storey extension is a new addition that results in an increase in overall projection and footprint. The basement and external steps are also a new addition.
- 10.5 The front dormer is now wider by 800mm, occupying roughly half the width of the roof, and the rear dormer, whilst somewhat reduced in width from the previous approval, is of greater height and would no longer leave 500mm vertical clearance below the original roof ridge.

Urban Design issues

- 10.6 Under the SPD referred to previously, two-storey rear extensions should be proportionate to the original house and garden, normally not exceed 50% of the curtilage, not project beyond the sides of the building, not project more than 3m to the rear, not exceed 3m eaves height if within 1.5m of a boundary, be separated from the property boundary by at least 1.5m, and not adversely affect habitable room windows where they adjoin a neighbour's boundary.
- 10.7 Paragraphs 5.11-5.12 of the SPD acknowledges part two-storey and part single-storey extensions as being a form of development that is acceptable in principle, provided that the proportions reflect those of the original house and do not overlook overshadow or dominate neighbouring properties or gardens. The SPD also advises an overall depth of 3.0m as a desirable maximum for a terraced house.
- 10.8 The area around the application site is characterised by long rows of two-storey terraced houses built to a uniform design in stone and blue slate. Many properties have single-storey rear extensions but very few have two-storey rear extensions. There are also examples of dormers in the local area (e.g. on the opposite side of Moorbottom Road, on Thornton Lodge Road and on Crosland Road), but very few on this side of Moorbottom Road – there is just one front-facing dormer at the end of the row.
- 10.09 It is considered that the extension is subservient to the original dwelling both in height and in depth, since its projection is less than half the depth of the original dwelling measured from the front to the back wall (10.2m). Again, it would be seen in the context of a terraced row that has had a number of single-storey additions at the rear and the dwelling that adjoins it to the east, no. 6, also has a two-storey extension of the same or very similar projection although of lesser width.
- 10.10 In terms of the level of curtilage developed by the scheme, it is acknowledged that the proposal would lead to the development of approximately 57% of the original curtilage at the site. This slightly exceeds the 50% limit advised in the SPD. However it would only be slightly over 50% and it is considered that it would be difficult to justify a refusal on the basis of this factor alone since in the context of rising land to the west and another large extension to the east, as previously highlighted, the overall effect is judged not to amount to overdevelopment.

- 10.11 In conclusion, whilst a finely-balanced case, it is considered that in this context, the extensions would in terms of scale, layout, and built form respect the character of their surroundings and would not amount to overdevelopment of the plot.
- 10.12 It is noted that the extension combines two different roof styles – a rear-facing gable and a lean-to below it, but this is not unusual in Kirklees generally. The windows are of a similar style and proportions to those on the rear elevation of the original building. The basement and the steps leading up from the yard to the rear front door are considered to be neutral in their impact on the visual character of the building and would make use of existing changes in ground levels with only modest excavations being undertaken to form the basement.
- 10.13 Under part 5.24 of the SPD, dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. The front dormer, it is considered, fulfils these requirements in that it has a pitched roof, does not dominate the original roof slope, and is finished in a dark grey cladding which harmonises with the original grey roofing slates. The rear dormer is of inferior design, being large, box-like, with no clearance between the top of the dormer and the roof ridge, or above the eaves. However, there is a possibility of a permitted development fall-back position (and that based on the approved 2020 scheme) and these need to be considered.
- 10.14 In terms of permitted development potential for a rear dormer at the site, under Part 1, Class B, the enlargement of a dwelling house consisting of an alteration to its roof is permitted, provided it is not on the principal elevation and provided that the cubic content of the resultant roof space would exceed that of the original roof space by 40 cubic metres (for a terraced house). The volume of the unauthorized rear dormer is approximately 20.4 cubic metres, that of the roof of the rear two-storey extension approximately 14 cubic metres, the front dormer (not including the roof) is 5 cubic metres. It would therefore be that the rear dormer, when considered with the other extensions, would be just over the permitted development volume allowance and could be enforced against. It would also not comply with condition B.2.(b) that a dormer should be set back 200mm from the eaves “where practicable”. Had the rear dormer been built first, independently of the two-storey extension, and subject to a 200mm setback and the use of visually similar materials, it could have qualified as permitted development.
- 10.15 The fall-back position still exists of building the dormer that was approved under 2020/90199. This option is not considered to be aesthetically better, in that it is of similar design, being of lesser height but wider. It is considered that in this instance a 200mm setback from the eaves would not make much difference to its visual impact since the eaves line and new dormer are partly obscured by the two-storey extension. The 2020 permission was subject to a condition that the dormer would be given a blue slate or dark-grey artificial cladding finish. It is therefore recommended that permission should be subject to the dormer being re-clad in suitable dark-coloured materials within an agreed timescale.
- 10.16 In conclusion, it is considered that the development would respect the character of the existing building and its surroundings, and subject to the above conditions on materials, it would comply with the aims of policy LP24(a) and (c) of the KLP and the relevant parts of NPPF Chapter 12.

Residential Amenity

- 10.17 The SPD, as previously stated, recommends a projection 3.0m as a maximum for a terraced house, and any increase on this must be justified. The following paragraphs provide general guidance on assessing residential amenity:

4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens.

4.17 When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost.

4.20 When assessing the impact that an extension or alteration may have on outlook, regard will be given to the established character of an area and the existing feeling of openness. It is important that neighbours do not feel unduly 'hemmed-in' by the proposals

4.21 Proposals should seek to retain adequate and useable private outdoor space for the occupiers of the building, such as garden space, paved or patio areas. Proposals which would result in outdoor space which are too small or significantly out of character with the local area are unlikely to be acceptable.

- 10.18 It is considered the rear extension has no significant effect on light or outlook for the neighbouring property to the east, no. 6, because this property has a rear extension bordering the shared passageway which is of the same or very similar projection. It is considered that no significant overshadowing or overbearing impact would result from the dormers since both adjoining properties have their main outlook to the rear.
- 10.19 Regarding the adjacent dwelling to the east, no. 12-14, which is understood to be in the applicant's ownership, it is not completely clear from the plans whether this is a back-to-back house or a through terrace. However, it is noted that ground and eaves levels for this dwelling are slightly higher and furthermore the property has a substantial single-storey extension close to the common boundary. It has not been demonstrated that a 3m, 2-storey extension would comply with the 45-degree rule with regard to this property, but the principle of such an extension has already been accepted. Furthermore this dwelling also has an extension at ground floor, and the new single-storey extension to no. 8-10 would comply with the 45-degree rule in relation to this. It is considered that it would not have a materially negative impact upon this property's amenities.
- 10.20 The extensions contain no side-facing windows. Outlook would be to the rear. The distance between the first-floor and dormer windows within 8-10 Moorbottom Road and the facing rear windows of the nearest property to the north, no. 197, would be 18m. It is considered that this would not give rise to intrusive overlooking and is in any case the same relationship, in terms of distances, as on the originally approved plan. Regarding the ground floor extension, which is slightly raised above natural ground level, this would project

out a further 1.3m, but as it is only single-storey, and a kitchen, it is considered that there would be no unacceptable overlooking impact on the property below and to the north. The dormer would provide some opportunity for overlooking but the principal of a rear-facing dormer, along with the two-storey extension, has previously been accepted, and the plans now under consideration are not considered materially different in terms of any impacts on privacy to the rear. The front-facing dormer would look out across the road and again is not considered to amount to intrusive overlooking.

- 10.21 The area covered by the rear extensions, steps and the basement excavations would amount to approximately 29sqm, or 57% of the original rear garden area. This has already been assessed as acceptable from an urban design point of view since it would not amount to overdevelopment of the site. It is considered that the remaining garden space would be adequate and useable private outdoor space for the occupiers of the building, and therefore acceptable having regard to the aims of paragraph 4.21 in the SPD set out above.
- 10.22 In conclusion, it is considered that the development would allow a satisfactory living environment for future occupants whilst not compromising that of neighbouring properties, and that whilst not compliant with all recommendations within the Householder Extension SPD, this can be justified by the circumstances of the site as demonstrated in the analysis above. It is considered that subject to a condition that no windows are formed in the side elevations of the extension at ground floor, so as to prevent any possibility of mutual overlooking occurring in the future, it would accord with the aims of Policy LP24(b) of the KLP.

Highway issues

- 10.23 The development does not have any impact upon access or parking arrangements since the property had no off-street parking to begin with. Whilst the increase in the amount of living accommodation may indirectly result in an increased demand for on-street parking, this is already commonplace on Moorbottom Road and adjoining roads and it would be difficult to demonstrate that this would materially affect the safe or convenient use of the highway. It is therefore considered to accord with policy LP21 of the KLP.

Other Matters

- 10.24 *Biodiversity*: The site is in the bat alert layer but on the basis of an external viewing would appear unlikely to have bat roost potential and in any case most of the works affecting the eaves or roof structure have already been undertaken. The standard precautionary note will be added to the decision notice.
- 10.25 *Climate Change*: 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 application's the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

- 10.26 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an extension to an existing dwelling within an urban area it is considered however that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

Representations

- 10.27 The concerns raised by third parties are listed below with officer responses:

- Poor design, not subservient to original building, shows a lack of coherence and is not in accordance with House Extensions and Alterations SPD. The dormer and roof light affects the symmetry of the building and not in keeping with surroundings. Other extensions have a single roof and an entrance door located on side elevation not rear.

Response: Design issues have been examined earlier in the report and it is considered that the extension is acceptable, on balance, in terms of visual amenity subject to the dormer materials being changed.

- Use of white plastic as an external finish for the rear dormer does not comply with original approval and would also conflict with the aims of NPPF paragraph 135 in that it would result in the quality of approved development being materially diminished.

Response: This argument is accepted and it is recommended it be conditioned that the dormer be re-clad in a more suitable material. This is recommended to be secured via condition.

- Overbearing impact, not in accordance with SPD which states that a 3m projection for two storey rear extensions to terraced houses will normally be the maximum. Overshadowing of no. 6's main entrance door by first floor. Impact on privacy from raised entrance door and external landing. Overbearing impact and overshadowing from the dormer.

Response: Impact on residential amenity has been examined in detail earlier in the report and it is considered that no unacceptable impact would occur. It is considered that the steps and external landing to the new rear entrance door are, functionally the minimum to allow the door to be safely accessed and would not function as a terrace or sitting out area, so cannot be considered to materially affect privacy.

- It fails to provide a high standard of amenity for future and neighbouring occupiers (LP24b) in that it reduces the amenity space to the rear.

Response: Again, more around 50% of the aggregate original garden space would be retained and it is considered that it retains an acceptable amount of amenity space at the rear.

- A fence has been erected which blocks light to the garden of the adjacent property no. 6

Response: The erection of a garden boundary fence of up to 2.0m in height does not require planning permission.

- It does not maintain 21m between habitable room windows at the rear as set out in the Housebuilder Design Guide SPD. Habitable room windows would be only 12m apart.

Response: The Housebuilder Design Guide applies to new dwellings not extensions.

- It causes additional impact on privacy and amenity over and above that caused by the previous rear extension, 2013/93881.

Response: The 2013 permission is not the most recent permission for this property and in any case a planning permission does not automatically rule out the possibility of permission being applied for and granted for a larger scheme at a later date.

- The extension also blocks afternoon and evening sunlight. This will affect the ability grow plants there and will result in mossy, slippery surfaces which will impact on the personal safety of residents, and not being able to sit out will have a detrimental impact on their health.

Response: Given that no. 6, the adjoining property to the east, has an extension of the same or very similar projection, it is considered that the extension now being considered has no material impact in terms of obstruction to sunlight. It might have some impact on morning sunlight to no. 14 during the summer but it is considered that this would not be perceived as oppressive.

- The rear extension traverses the boundary of 14 Moorbottom Road

Response: The applicant has confirmed that the two dwellings are in the same ownership and this has not been disputed by the occupant of this property. The very minor transgression of the boundary does not affect the validity of the application and is not considered significant in terms of its planning merits.

- The proposed roof light breaches the property boundary adjoining no.6 Moorbottom Road so will not maintain appropriate distances between buildings.

Response: This is a private civil matter and as notice has been served on the adjoining property the application is valid.

- The description is incomplete as it does not mention the basement

Response: This has now been added to the description.

- Inaccuracies in application form regarding date of completion which was earlier than the stated date. Section 5 (materials) has not been filled in.

Response: It is considered that the error is not fatal to the determination of the application and as the extensions have already been built there is sufficient information to allow it to be determined.

- The previous ground floor plans do not show the original layout accurately, especially with regard to openings.

Response: The original side door to the rear utility room extension was not shown on earlier versions of the plan – this has now been corrected.

- The plans as existing do not show the steps down to the basement or up to the rear entrance door. This makes it difficult to calculate whether the proposed development takes up 50% or more of land around the original house.

Response: As set out in the main body of the report, the proposed development as a whole occupies 57%, however such a level of development is on balance considered to be acceptable.

- First floor plan and loft indicates that a portion of internal wall may have been demolished, so we ask that the case officer engage with Building Control to ensure that it is factored into the additional structural works that are still outstanding. Unauthorised loft plan shows a roof void at the rear which does not accord with what has been built because the dormer is built to the eaves.

Response: This is a Building Regulations matter which is a separate regime of controls. The discrepancies between the floorplans and elevations have now been corrected.

- The location plan fails to include all the land necessary to carry out the development because it only includes 2/3 the width of the passageway.

Response: It is not clear whether this is intentional or just a drafting error. However, the development itself and the majority of the width of the side passage is shown on the location plan.

- It also exaggerates the projection of the extension at no. 6.

Response: The true projection of this extension has been observed on site and has been used to inform the case officer's recommendation.

- The block plan does not show the property at 14 Moorbottom Road nor does it show what has been built.

Response: The relationship between the two properties has been observed on site.

- The elevations show the property as if it were detached, contrary to Kirklees guidance.

Response: For the sake of clarity, and to allow Committee Members to see what the relationship between 8-10 Moorbottom Road and the two adjoining properties would be, additional drawings showing the extension in context were requested. The architect provided elevations showing the relationship with the two adjoining properties; floorplans do not show the relationship but this can be observed from the case officer's site photographs and further plans are not considered essential to allow a determination to be made.

- Rear elevation shows the dormer set back from the eaves when it is not.

Response: The plans showing the dormer have been modified to more accurately reflect what has been built. It is considered that any remaining discrepancies are insignificant and do not prevent an accurate assessment from being undertaken.

- Discrepancies between side and rear elevation regarding dormer height.

Response: The difference in height between the elevations was approximately 100mm and therefore not very significant, but this has been corrected on the latest plans.

- Side elevation does not show basement

Response: The basement would not be visible on a side elevation, only on a section. A section has not been requested because it is considered disproportionate given the domestic nature and scale of the works.

- Position of wall atop ground floor extension roof is not shown accurately.

Response: This is an inaccuracy noted on the original side elevation which has now been corrected.

- The extent of demolition is unclear.

Response: It is evident from observations on site that the former utility room, including the outer side wall, was demolished, so no further clarifications are considered necessary.

- Discrepancies in measurements between drawings.

Response: The drawings are now considered accurate enough to allow a full assessment to be made.

- The basement storage having a separate externally accessible door may indicate a commercial use in connection with the applicant's grocery business which would mean more disturbance and loss of privacy.

Response: This is conjectural and cannot be treated as a material consideration. Any unauthorised commercial use may amount to a material change of use and can be enforced against if it occurs.

- The installation of the soil pipe in the shared passageway reduces its width which has an impact on access especially by a wheelchair user. It will also make it more difficult to install a ramp in the future.

Response: The installation of a soil pipe is, in general, permitted development under Part One, Class G, of the General Permitted Development Order and interference with a private right of access is usually not treated as a material planning consideration. Whilst impact upon accessibility for a person with a disability may be a planning consideration in some circumstances, it is considered that in this instance it would be difficult to justify a refusal, or seeking amendments, on this issue, and it should be regarded as a private civil matter.

- Comments on the December Committee Report: height on elevations doesn't accord with what has been built which is actually 6.5m high; report dismisses as unimportant the extension going beyond western boundary; there are still inaccuracies regarding width; dormer height is actually 2.6m not 2.2m and is still shown as set back from the eaves and therefore permitted development fall-back position does not apply;

Response: It is not clear how the 6.5m measurement has been obtained; since however the drawings show the height relative to the original building correctly and are therefore considered accurate enough to be assessed. The very minor encroachment of the extension beyond the western property boundary is considered to be insignificant in terms of visual and residential amenity. The position of the dormer within the roof slope is shown accurately except in as far as the plans indicate a small setback from the eaves when based on site observations it appears to come up to the eaves – it is considered that this minor inaccuracy is not sufficient to prevent the application being assessed and determined.

- The front garden should not be treated as part of the curtilage since 8-10 are two separate properties (or titles). Original rear garden is approx. 49sqm. The footprint of the extension and rear steps would be 27.13sqm or 55% of the area of the rear garden; It projects by further than the original rear back-to-back.

Response: 8-10 are lived in as a single dwelling and it is therefore considered appropriate to treat them as a single dwelling for planning purposes. Based on the case officer's measurements on site, the original rear garden would have been approximately 50.5sqm. The guideline that the total amount of development should not exceed 50% of the original rear garden is not complied with here. But taking into account all aspects of the development it is considered that this would not provide a defensible reason to refuse the application. It is considered that the scale of the development would not amount to overdevelopment and that the development would leave the property with an acceptable amount of outdoor amenity space for its size.

10.28 Comments from Ward Councillor Erin Hill are summarised below with officer responses.

- The extension is not subservient to the original building, contrary to Policy LP24(c) and does not respect its character;

Response: The extension is considered subservient in terms of height, bulk and footprint and therefore complies with this policy.

- Some of the development crosses over into the boundary of 14 Moorbottom Road and there is no guarantee that they will be in common ownership in perpetuity;

Response: This is not considered a problem since if it were to be sold separately the purchasers would be aware of the situation.

- The building control and environmental health issues which have been caused during the building process, and in particular the serving of an S60 notice in relation to noise and restriction of access to 6 Moorbottom Road;

Response: This is noted but any problems of this nature would normally be assessed under the remit of Building Regulations and Environmental Health legislation not planning.

- There is an apparent discrepancy even between this current retrospective application and what exists on the ground, and I would like assurance that this has been considered by planning officers.

Response: The main discrepancies have been checked and corrected on the amended plans and it is considered that the plans now under consideration are accurate and clear enough to be assessed.

11.0 CONCLUSION

- 11.1 It is concluded that the design and appearance of the extension, taking into account the relevant Local Plan policies, the provisions of the Householder Extensions and Alterations SPD, and all other material considerations, would respect the appearance and character of its surroundings, and that the development does not adversely affect the living conditions of neighbouring occupiers.
- 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 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development 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. Development in accordance with the plans.
2. No windows to be installed in side elevations at ground floor level
3. Existing white plastic cladding to be replaced with a material that has first been submitted to and approved in writing by the Local Planning Authority.

Background Papers:

Application details:

[Link to application details](#)

Certificate of Ownership – Notice served on neighbouring property, no. 6 Moorbottom Road.

History file details for the previous approved scheme:

[Link to application details](#)

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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 31-Mar-2022

Subject: Planning Application 2021/90126 Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY

APPLICANT

V Bains

DATE VALID

14-Jan-2021

TARGET DATE

11-Mar-2021

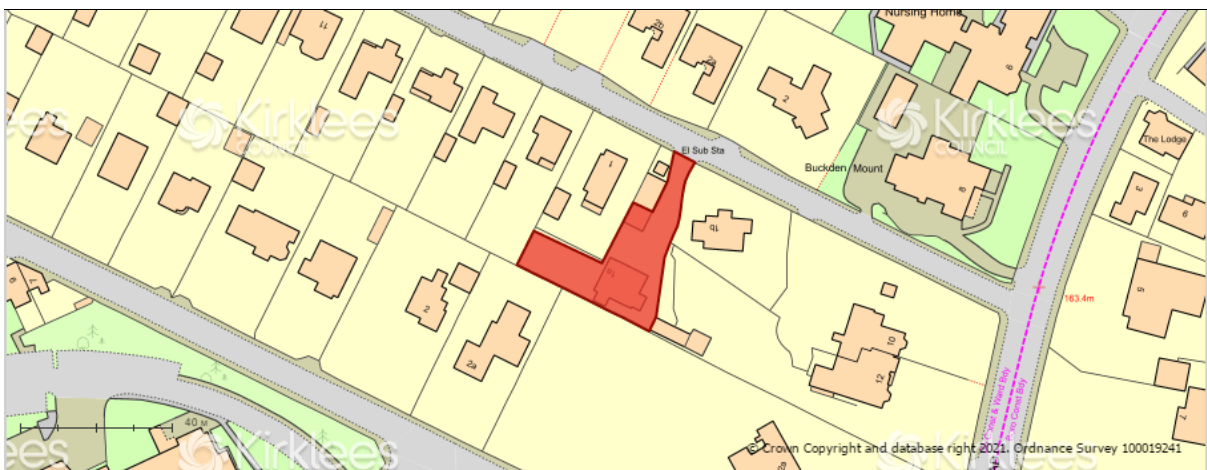
EXTENSION EXPIRY DATE

21-Apr-2021

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Lindley

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application has been brought to Huddersfield Planning Sub-Committee at the request of Ward Councillor Burke who has provided the following reasons:

1. Overspill of on-street parking problems resulting from insufficient parking spaces to cater for the proposed development, contrary to the Council's own Highways Design Guide and planning policy. This will lead to highway safety problems for the neighbouring property and on Dingley Road. The car parking has been reduced from 4 to 3 spaces which makes the situation more difficult.
2. The development comprises a new independent dwelling as opposed to the 'annexe' to the main house, which has further implications for off-street parking demand. This makes it a five bedroomed development, increasing it from a two bedroomed bungalow.
3. Insufficient space on the applicant's plot to accommodate the proposed development.
4. Residential amenity issues caused by overlooking from the proposed development.

1.2 The Chair of Sub-Committee has accepted the above reasons for making this request, having regard to the Councillor's Protocol for Planning Committees.

1.3 The application was brought before the Sub-Committee on the 9th December 2021, but was deferred at the request of the agent, because of an ongoing legal dispute regarding the parcel of land, formerly known as the garden space, to the West of the existing dwelling.

1.4 Taking the matter in the preceding paragraph into account, the proposed orangery has now been removed from the proposed plans. However, the red line boundary for the application site remains unchanged. This is because the applicant contends that this parcel of land is within their ownership and Land Registry detail has been submitted to support their view. Confirmation has however been sought from the applicant's agent, to ensure that the correct notice has been served on the neighbouring properties in accordance with Article 13 of the Development Management Procedure Order 2015.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to the Coachways, 1a Dingley Road, Edgerton a detached bungalow faced in render and stone, with a tiled roof. To the North of the site is a detached outbuilding, of which the applicant has part ownership. The ground floor serves as a storage area, with office space above.
- 2.2 The host dwelling benefits from an area of hardstanding to its front elevation, along with a landscaped garden to the South West, to the rear of 1 Dingley Road. Vehicular and pedestrian access is taken along a shared driveway onto Dingley Road. This serves as access for 1B Dingley Road, with a right of way also running through the site for no. 12 Thornhill Road, as they own the detached outbuildings to the South East of the application site. Boundary treatment consists of timber fencing and stone walling.
- 2.3 The site is situated within a predominately residential area, whereby the neighbouring properties vary in design and form. This includes Grade II listed buildings at nos. 10 and 12 Thornhill Road to the east of the site, no. 1B Dingley Road, previously referred to, which is a one-and-a-half storey property of around 30 years old to the north east of no. 1A and the east of the detached outbuilding. The detached dwelling to the north west of the site, no. 1 Dingley Road is an extended bungalow. The site is also situated within Edgerton Conservation Area on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 Permission is sought for the partial demolition of the existing bungalow (no. 1A) with re-building with extensions to form a two storey dwelling. It is also proposed to extend and alter the existing coach house to form annex accommodation to no. 1A.
- 3.2 The resultant two-storey dwelling would be 10.8m in width by 14m in depth, with an eaves height of 5.6m and an overall height of 8.1m. Its design features include a dual pitch projecting front gable, along with mullioned windows. To the North Western elevation, the plans show a bay window. The dwelling would provide an open plan dining/kitchen, along with a sitting room at ground floor. At first floor four bedrooms, an en-suite and a bathroom would be provided.
- 3.3 In terms of the annex accommodation, the existing coach house would be extended by 0.9m to the South at two-storey height, along with an additional single storey extension. This would have a projection of 4.5m, a depth of 2.5m and an overall height of 3.9m. Internally the works would provide a kitchen/lounge, W.C at ground floor alongside a bedroom and en-suite at first floor.
- 3.4 The extensions to the coach house and the extensions and alterations of the host property to form a two-storey dwelling would be constructed from natural stone with blue slate roofs. New windows and doors would be finished in timber to match.
- 3.5 Three parking spaces are indicated to be provided to serve the dwelling and its associated annexe accommodation, along with one visitor parking space.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2016/93616 Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) – Granted.
- 4.2 2014/90369 Partial demolition of existing bungalow into 2 storey dwelling and re-building (within a Conservation Area) – Granted
- 4.3 2011/91069 Erection of extension and conversion of existing Coach House into annexe (within a Conservation Area) – Granted

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

- 5.1 Officers have entered into multiple discussions as part of this application in order to clarify on site parking and internal turning, private rights of access, bin storage and collection details and land ownership.

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 situated within Edgerton Conservation Area on the Kirklees Local Plan.
- 6.3 Kirklees Local Plan (2019):
- **LP1** – Achieving sustainable development
 - **LP2** – Place shaping
 - **LP21** – Highway safety
 - **LP22** - Parking
 - **LP24** – Design
 - **LP30** – Biodiversity
 - **LP35** – Historic environment

Supplementary Planning Guidance / Documents:

- 6.4 Housebuilders Design Guide (SPD)
Kirklees Council has adopted supplementary planning guidance on house extensions and new development which now carry 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 both SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions and new development.
- 6.5 Edgerton Conservation Area Appraisal

6.6 KC Highways Design Guide 2019

National Planning Guidance:

6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised in accordance with the Kirklees Development Management Charter. Final publicity expired on the 14th May 2021.

7.2 As a result of the above publicity, six representations were received from a planning consultancy on behalf of a neighbouring resident. A summary of the concerns are as follows:

Highways and parking:

- Concerns regarding the number of parking spaces for both the main dwelling and the annex.
- There is concern regarding internal turning, especially if all four spaces are occupied. Also because of this, there would be an overspill of on street parking on Dingley Road which would have a detrimental impact on highway safety.
- The improvement to internal turning is not considered to overcome the concerns originally raised.
- The parking spaces would be difficult to use and cannot operate properly, given that two spaces would be 'blocked in' by the car in front.
- The proposal falls short of the requirements of four parking spaces

Residential amenity:

- There are concerns regarding overlooking from the habitable room windows proposed within the front elevation of the coach house.
- The report states that the 'the openings proposed within the annex would be significantly screened by a large hedge which appears to be within neighbouring land (at no. 1b).' However, as this is within neighbouring land, it cannot be controlled by the applicant and therefore could be removed whenever the owner wished. Therefore, a separation distance of 14m from a habitable room is below the 21m recommended in the SPD.
- Other concerns are raised regarding the windows within the annex not complying with the recommended separation distances from non-habitable rooms.
- The residential use will be more intense than the office use, with further questions being raised to whether the office was actually used as an office.

General concerns:

- Concern to whether the coach house can be viewed as annex accommodation, as it is self-contained accommodation.
- Overdevelopment of the site.
- The previous 2016/93616 application should not have been granted.
- The amended plans are seen to be worse than the original proposal.
- The red line boundary on the site plan does not match the red line boundary outlined on the location plan.
- The conversion of the coach house could restrict neighbouring development.
- A right of access has been outlined on the plan, however, this falls outside of the red line boundary, as it is not a right of way that the applicant is legally entitled to.

7.3 Given the amendments sought to improve internal turning, officers considered it appropriate to re-advertise the application via a 10 day neighbour notification letter on the 4 May 2021. Since then, a final set of amended plans were received on the 16th February 2022, to clarify rights of access and to remove the orangery. Given that these works would not unduly impact upon neighbouring properties over and above the original scheme which residents have had two opportunities to comment on previously, officers did not consider it necessary to re-advertise the scheme.

7.4 Ward Councillor comments:

Cllr Burke: Requested the application be referred to planning committee for the reasons set out in the introduction of this report.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses received. Where appropriate, responses are expanded on in the main assessment:

Statutory:

- KC Highway DM: No objection as the principle of having annex accommodation at the site has already been established. In this case, the latest plans submitted on the 16th February 2022 demonstrate parking to the levels recorded within the Highways Design Guide, along with internal turning within the red line boundary. Nonetheless, officers have requested that a condition is attached to the decision notice to ensure that the annex is only used as an ancillary building to the main house.
- KC Environmental Health: No objections subject to conditions being attached to the decision notice regarding the finding of unexpected land contamination and the installation of an electric vehicle charging point.

Non-Statutory:

- KC Conservation and Design: No concerns from a heritage perspective.
- KC Trees: No objection to the loss of the tree and conifer, in order to make way for the new parking area.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development (including heritage considerations):

- 10.1 The site is located within Edgerton Conservation Area and is also adjacent to two listed buildings. Therefore, Sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.
- 10.2 Paragraph 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.
- 10.3 Furthermore, LP35 states "development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm". Whether harm exists, and whether it is substantial or less than substantial, is assessed in the report.
- 10.4 As well as this, 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. Policy LP24 of the KLP is also relevant and states that "good design should be at the core of all proposals in the district.
- 10.5 Alongside the above, permission has been previously granted under applications 2016/93616, 2014/90369 and 2011/91069 for the extensions and alterations to the coach house into annex accommodation and for the partial demolition and rebuild of the bungalow into a two-storey dwelling. The principle of such development has therefore been established as assessed against national and local policy at that time. As such, the principle of development has been considered acceptable.

Urban Design issues

- 10.6 Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
- 10.7 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following: ‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.
- 10.8 The Housebuilders Design Guide SPD is also relevant which sets out a number of design principles, the key ones related to this application are:
- Principle 2 states that development should, take cues from the character of the built and natural environment within the locality. Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details. Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context
 - Principle 5 states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.
 - Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.
 - Principle 14 states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.
 - Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.
- 10.9 Dingley Road is characterised by large, detached houses, many of which are two storey and set in moderate sized plots, set back from the road frontage. The predominant material of construction in close vicinity of the application site is stone.
- 10.10 In this case, officers have noted that the current dwelling appears to be within a tired state and therefore has minimal, if any, environmental value. The existing property itself does not have any significant architectural features and therefore detracts from the character of the surrounding properties. This is also reinforced with Edgerton Conservation Area Appraisal whereby the site is highlighted within Character Area 1 as being a negative factor. As such, the property’s demolition and re-build is welcomed from a residential and conservation perspective.

- 10.11 The submitted plans show the proposed dwelling to be set over two floors, along with an extended ground floor. In this context, the new dwelling is considered to be of an appropriate size and scale, with a layout in which compliments the site's unique curtilage. Therefore, it is considered that the works to increase the footprint and overall height of the building would respect the general surrounding development and would integrate sympathetically without appearing overly dominant or obtrusive on this infill plot. This is considered to comply with the aims of the aforementioned design principles within the Council's Housebuilders Design Guide SPD.
- 10.12 With regard to materials, the new dwelling would be constructed from natural stone with a blue slate tiled roof, which would enhance the visual amenity of the area and improve the character of this plot, in accordance with Paragraph 5.4 of Edgerton's Conservation Area Appraisal. As the document states that all *'historic buildings within the character area are constructed with natural stone walls, a pitched roof covered either in natural stone slate, blue slate or tiles'*.
- 10.13 The design of the new dwelling has also been considered acceptable from a visual perspective. The new mullioned windows and turn gable would also enhance the character of the area and would be in keeping with the neighbouring property at no. 1B Dingley Road. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan.
- 10.14 Turning to the extensions and alterations to convert the existing coach house into annex accommodation, officers consider the physical alterations to appear sympathetic to the host building, conservation area and the setting of the Listed Building to the East. More so, this would allow the building to continue to make a positive contribution to the Conservation Area in line with the details held within the Conservation Area Appraisal.
- 10.15 More specifically, the part of this building which is under the applicant's ownership will be extended at two storey by 0.9m and additionally at ground floor by 4.5m. In this case, the extensions are considered to sit comfortably with the original building, especially when viewed against the existing outbuilding. As such, no concern is raised regarding potential overdevelopment, this concurs with the principle of having this form of development previously approved on the site.
- 10.16 Consultations have also been undertaken with Conservation and Design officers, whereby they have confirmed no concerns with the design of the proposal or its impact on the surrounding Conservation Area. The conclusion is that there would be 'minimal harm'. In this case, the extensions will be constructed from stone with a blue slate roof to match. Furthermore, the garage door would be removed on the principal elevation and replaced with four large, elongated windows. Two smaller windows, a pedestrian door and a canopy would also be installed within the single storey extension. The extension to the coach house and the increase in the size of the dormer window/changes to doors and windows would cause minimal harm to its appearance/significance by altering its original form. As only part of the coach house is within the application site this would mean that there would not be a consistent approach to fenestration within the building as a whole.

- 10.17 The submitted plans show that the site can adequately accommodate the development and therefore it is not considered appropriate to withdraw permitted development rights, as the site falls within the Conservation Area and therefore any extensions to the side and front of the property would be restricted.
- 10.18 As such, it is considered that the proposed design, scale and layout would make efficient use of the land and would not cause material detriment to the visual amenity of the site or the wider character or appearance of the Conservation Area. It is considered there would be no harm upon the setting of the adjacent Listed Buildings (at no's 10 and 12 Thornhill Road) which are situated to the East of the application site. This is due to the substantial separation distance and the works to the site which would significantly improve the overall aesthetics of the main dwelling house.
- 10.19 Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.20 The proposal would result in a new dwelling, replacing a dwelling identified as a negative factor within the conservation area, which is, in the opinion of officers, visually attractive and which would be constructed to provide a high-level thermal efficiency. The use of natural stone would also be appropriate to the character and context of the site and the wider area, helping to secure the optimum viable use of the site going forward. The creation of a new dwelling unit, and the re-use of the coach house to form annexe accommodation, would bring the site back into full use. Therefore, it is concluded that the public benefits of the efficient use of the site and the creation of a dwelling/annexe as well as removing a negative feature of the conservation area would outweigh the less than substantial harm caused in particular by reason of the alterations to the coach house.
- 10.21 In summary, it has been concluded that the proposal would be of a satisfactory design quality which would be in keeping with the character of the area. The impact on the significance of the Conservation Area and the nearby Listed Building has been assessed and concluded that the public benefits of the proposal would outweigh the less than substantial harm caused to its significance. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD, Edgerton Conservation Area Appraisal and Chapters 12 and 16 of the NPPF.

Residential Amenity

- 10.22 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

- 10.23 The impact of the development on each of the surrounding properties will be assessed in turn. In this instance, the nearest residential dwellings to the application site are nos. 1 and 1b Dingley Road, 12 Thornhill Road and 2A Occupation Road.
- 10.24 1b Dingley Road is the neighbouring property to the Northeast/East of the host property and the detached outbuilding. It has been noted that these neighbours' own part of the existing coach house.
- 10.25 In this instance, it has been assessed that any impact from the additional bulk and massing to re-develop the existing bungalow would not be unduly detrimental. This is due to these neighbours being situated further forward within their plot and off-set to the north east of the proposed dwelling. The orientation of the host property with no. 1b also helps mitigate some of the potential overbearing, and given these factors the principle of having a two-storey dwelling within this location can be supported. Habitable room windows within the principal elevation would also look directly to the North, onto the existing hardstanding and therefore this would assist in mitigating against a significant loss of privacy.
- 10.26 With regards to the alterations and extensions to convert the outbuilding into annex accommodation, officers have noted that the additional built form would have a limited overbearing impact upon these neighbours' amenity. This is due to the majority of the side extension being retained at single storey. There would also be no further overshadowing, given that these neighbours and their private amenity space is situated to the East.
- 10.27 With reference to overlooking, the submitted plans show the existing garage door to be removed and replaced with four elongated windows. Two small openings will also be inserted into the single storey extension to serve the kitchen and W.C. At first floor the enlarged dormer would serve the bedroom. As such, it has been noted that the proposal would have the potential to impact upon these neighbours' amenity, given that its use will be altered from office/storage to residential. However, the principle of this relationship being accepted has already been previously established under the 2016 application, whereby a separation distance of 12m would be retained to these neighbours nearest single storey elevation. Furthermore, a separation distance of approximately 14.6m would be retained to the first floor side openings of no. 1b.
- 10.28 Whilst the proposal does fall short of the recommended separation distances set out in the SPD, Paragraph 7.20 of the SPD states that there are several design solutions that can allow for reduced distances between buildings to be acceptable, such as appropriate screening and boundary treatment. At the time the site visit was undertaken, it was evident that a tall hedge is situated adjacent to the existing outbuilding, which lies within the neighbour's ownership. This would provide significant screening from the habitable openings within the proposed annex, towards the side elevation of no. 1b Dingley Road and would be under the control of no. 1b should the hedge be removed in future.

- 10.29 Having taken into account the above, in particular the existence of appropriate screening, it is concluded by officers that the development would retain an acceptable level of amenity for the occupiers of no. 1b Dingley Road, in line with Policy LP24 of the Kirklees Local Plan and Paragraph 7.20 of the Housebuilders Design Guide SPD.
- 10.30 No. 1 Dingley Road is the neighbouring property situated to the North West of the application site. It has been assessed that there would be no material impact upon these neighbours' amenity, as a result of the development proposed.
- 10.31 More specifically, with reference to the extensions to the main property, it has been noted that the majority of no. 1 is situated towards the Dingley Road street frontage. Since this dwelling was recently extended, the main habitable room windows are within the Northern and Southern elevations. However, the new dwelling would not include any windows or mass that would be overtly seen from the south facing windows of this dwelling, thus there would not be a material loss of privacy. There is a home office in an outbuilding in the rear garden but this would have only an oblique relationship with a first floor bedroom window. In terms of overshadowing, it has been noted that the increase in built form would have some impact on this property, principally the bottom of the rear amenity space/home office, which would only be evident within a morning/early afternoon. This would not cause significant detriment.
- 10.32 Officers are also satisfied that the works to convert and extend the outbuilding to form annex accommodation, would not generate any undue impact upon the occupiers of no. 1 Dingley Road. This is due to there being a sufficient boundary wall in place which would mitigate the majority of any potential overbearing and overshadowing effect. Furthermore, the outbuilding would only be extended at two-storey by 0.9m and the new dormer window would not exceed the ridge height of the existing building. As a result, there would be limited overbearing, overshadowing and overlooking upon these neighbours' amenity.
- 10.33 12 Thornhill Road is the residential property to the East of the application site. It has been assessed that there would be no detrimental impact upon these neighbours' amenity, as a result of the works proposed as a separation distance of at least 45m would be retained, to the nearest rear elevation.
- 10.34 2A Occupation Road is the neighbouring property to the South West of the application site. Given that the host property is situated close to the shared boundary between these neighbours and that the works would intensify the built form at the site, there would be some impact upon the amenities of the occupiers of this property.
- 10.35 However, it has been considered that any impact would not be undue as no. 2A is situated to the South, thus avoiding a material overshadowing impact. The submitted plans show high levelled windows to be inserted into the rear elevation of the host property, in order to provide some sun light into the kitchen. Rooflights are shown to serve the orangery and kitchen in the rear elevation. However, these would be well above eye level. There would also be no further impact from the works to the existing outbuilding and therefore this relationship can be supported.

Amenity of the future occupiers

- 10.36 Principle 16 of the Housebuilders Design Guide seeks to ensure the floor space of dwellings accords with the 'Nationally Described Space Standards' document.
- 10.37 In this case, it has been noted that the new dwelling would have an acceptable amount of living space, as an internal floor space of approximately 240 sq.m would be provided. This would be significantly above the nationally described space standards for a four bedroom dwelling. With regards to the annex accommodation, this would also have an acceptable internal floor space of 65 sq.m with each habitable room also benefitting from an opening. This has been considered acceptable as this is simply an annex to the main dwelling and is not assessed as forming an independent unit of accommodation in its own right.
- 10.38 In terms of private amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is function and proportionate to the size of the dwelling and the character / context of the site is provided. In this case, the outdoor amenity space would be retained to the West of the replacement dwelling, which will be enjoyed by the occupants of the host property and the annex. This will also highlight the annex's dependence of the main property, as officers would not support a new dwelling within this location without any outdoor amenity space being provided. For these reasons, the proposal is considered to comply with Policy LP24 of the Kirklees Local Plan, Principles 6, 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

Highway issues

- 10.39 KC Highways DM have been formally consulted as part of this application, as the proposal seeks permission to re-build a larger dwelling and to convert the existing outbuilding into annex accommodation.
- 10.40 In this instance, the officer has referred back to the 2016 permission, outlining that access will still be taken from the shared driveway, which has a width of 3.5m at its narrowest point accommodating both the application site and one other dwelling, along with a private right of access for no. 12 Thornhill Road. Various discussions have been held with the agent in line with the concerns raised as part of the publicity and therefore final amended plans were received on the 16th February 2022.
- 10.41 Having reviewed the amended plans, Highways Officers are in full support of the scheme, as the plans demonstrate parking to the levels recommended in the Council's Highways Design Guide SPD. This includes three on site parking spaces for a 4+ bedroom dwelling. Alongside this, internal turning has also been demonstrated within the red line boundary, through the submission of swept paths. These demonstrate that access and egress can be taken from and onto Dingley Road in forward gear.
- 10.42 Furthermore, in order to overcome the concerns raised in the neighbour representations, officers would be looking to secure a condition to ensure that the annex accommodation is used in association with no. 1a and is not sold or rented out separately. This is considered necessary in order to ensure that there are no further implications to highway safety and parking, in accordance with Policies LP21, LP22 of the Kirklees Local Plan and Kirklees Highways Design Guide.

Other matters

- 10.43 *Bats* - The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. However, a note would be attached to the decision notice to state that bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. Therefore, should any bat roosts be found during the demolition of the building, works should cease and the applicant is advised to contact Natural England for advice.
- 10.44 Alongside the above, in order to comply with the aims of Policy LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD, proposals should provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat create where opportunities exist. In this case, a condition would be attached to the decision notice to state that a bat box shall be installed within the southern elevation of the host dwelling during the construction period. This is to accord with LP30 of the KLP and Chapter 15 of the NPPF.
- 10.45 *Climate change* - 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 predates 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.
- 10.46 In this case, it has been noted that the works would be constructed to modern building regulations which would aid improving the overall thermal efficiency of the property and the annex accommodation. The use of large areas of glazing to habitable rooms would also reduce the need for artificial light and improve solar passive gain, in accordance with Principle 18 of the Housebuilders Design Guide SPD.
- 10.47 *Trees* – KC Trees have been consulted as part of this application, as the new driveway/parking area for the property would result in the loss of an existing tree and conifer. Whilst these can be seen from public vantage points, they are well set back within the site and therefore their loss would not be consequential from an amenity value perspective. As such, the application would accord with Policy LP33 of the Kirklees Local Plan.

Representations

10.48 As a result of the above publicity, six representations have been received from a planning consultancy on behalf of a neighbouring resident. A summary of the concerns, along with officer comments are as follows:

Highways and parking:

- Concerns regarding the number of parking spaces for both the main dwelling and the annex.
- There is concern regarding internal turning, especially if all four spaces are occupied. Also because of this, there would be an overspill of on street parking on Dingley Road which would have a detrimental impact on highway safety.
- The improvement to internal turning is not considered to overcome the concerns originally raised.
- The parking spaces would be difficult to use and cannot operate properly, given that two spaces would be 'blocked in' by the car in front.
- The proposal falls short of the requirements of four parking spaces
Comment: These concerns have been noted by Highways Officers, however, a full assessment upon the impact on highway safety and parking is set out within the committee report.

Residential amenity:

- There are concerns regarding overlooking from the habitable room windows proposed within the front elevation of the coach house.
- The report states that the 'the openings proposed within the annex would be significantly screened by a large hedge which appears to be within neighbouring land (at no. 1b).' However, as this is within neighbouring land, it cannot be controlled by the applicant and therefore could be removed whenever. Therefore, a separation distance of 14m from a habitable room is below the 21m recommended in the SPD.
- Other concerns are raised regarding the windows within the annex not complying with the recommended separation distances from non habitable rooms.
- The residential use will be more intense than the office use, with further questions being raised to whether the office was actually used as an office.
Comment: The above concerns have been noted and have been addressed within the committee report.

General concerns:

- Concern to whether the coach house can be viewed as annex accommodation, as it is self-contained accommodation.
Comment: The principle of having annex accommodation at the site has already been established under the previous planning applications. The proposal is considered to be of appropriate size for annex accommodation and to secure the building's future use, a condition is attached to the recommendation to state that it cannot be sold or rented separately, to ensure that it is used as annex accommodation.
- Overdevelopment of the site.
Comment: Officers do not consider the scheme to result in the overdevelopment of the site.

- The previous 2016/93616 application should not have been granted.
Comment: The previous scheme was assessed with regards to local and national planning policy as was granted.
- The amended plans are seen to be worse than the original proposal.
Comment: This concern has been noted.
- The red line boundary on the site plan does not match the red line boundary outlined on the location plan.
Comment: This has been noted and therefore updated plans have been provided to show the development only taking place on land within the applicant's ownership.
- The conversion of the coach house could restrict neighbouring development.
Comment: This has been noted, however, a full assessment upon the impact on neighbouring amenity can be found within the committee report. Each application is judged on its own merits.
- A right of access has been outlined on the plan, however, this falls outside of the red line boundary, as it is not a right of way that the applicant is legally entitled to.
Comment: This has been noted, however, the right of access identified on the proposed site plan, is to demonstrate that of no.12's, at the request of officers. This is to ensure that any private right of access will be retained as part of this application.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favor 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.
- 11.2 This application 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 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. The external walls and roofing materials to match those use in the construction of the existing outbuilding/host property.
4. The residential annexe accommodation approved as part of this permission shall be used by the occupants or relative of the 1a Dingley Road and shall not be sold/rented separately.
5. One bat box shall be installed within the rear exterior wall of the main property before the development is first brought into use.
6. One electric vehicle recharging point shall be provided within the area of hardstanding before the development is first brought into use.
7. The reporting of any unexpected land contamination.
8. New hardstanding to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas).

Background Papers:

Application and history files

[Link to application details](#)

Weblink to application

[Link to application details](#)

Certificate B has been signed.

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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 31-Mar-2022

Subject: Planning Application 2021/94645 Erection of detached dwelling with parking and division of existing garden to provide amenity, parking and bin storage adj, 84, Dalton Green Lane, Dalton, Huddersfield, HD5 9UQ

APPLICANT

Chris Langford, Leverlang
Developments Ltd

DATE VALID

17-Dec-2021

TARGET DATE

11-Feb-2022

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dalton

Ward Councillors consulted: No

Public or private: Public

<p>RECOMMENDATION: DELEGATE Approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.</p>

1.0 INTRODUCTION:

- 1.1 This application is brought to committee at the request of Ward Cllr Musarrat Khan, who states:
- 1.2 *“...concerns in relation to loss of amenities for 18 Higson Court, in terms of overlooking, overshadowing and the creation of an overbearing effect, with loss of privacy. I notice from the plans that the line of 21m from habitable window at no: 18 Higson Court is marked and proposed application falls short of this 21 metres.*
- 1.3 The Chair of the Sub-Committee has confirmed that Cllr Khan’s reasons for the referral to the committee are valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises land to the east of No.84 Dalton Green Lane, and no. 84 Dalton Green Lane itself. The house and land is currently only accessible via an unadopted highway off the main highway of Dalton Green Lane. This unadopted highway also serves a number of other dwellings. The site is set between the street frontages of Dalton Green Lane and Albany Road, the latter of which runs to the south of the site. The site is bounded to the eastern and southern elevation by trees/shrubbery. To the north are dwellings fronting Higson Court. At present, the site forms the dwelling and garden of 84 Dalton Green Lane. The open land is laid to grass and other forms of natural vegetation and a hard surface.
- 2.2 The site is located within a residential area, with other properties of a variety of ages, designs and sizes located north, south and west. Located to the east of the site are several buildings forming Oxfield Court Day Centre.
- 2.3 The application site is Unallocated in the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 The applicant is seeking planning permission for the erection of a detached dwelling with parking in the garden area of no. 84 and the subdivision of the existing garden to provide amenity, parking and bin storage for both the existing property and the proposed property.
- 3.2 The proposed dwelling would have a maximum height of 7.7 metres, with the eaves of the building being 5.2m in height and would have a footprint of 10m x 9m. The external walls of the dwelling would be faced in coursed natural stone and the gable roofing forms would be laid with interlocking concrete tiles.
- 3.3 To the front elevation of the dwelling, there would be a projecting single storey porch. This would have a projection of 0.9 metres, a height of 3.7 metres and a width of 2.9 metres. The porch would be faced in coursed natural stone and have a pitched roofing style, laid with interlocking concrete tiles.
- 3.4 Fenestration detailing would consist of predominantly regular windows, with bi-folding and patio doors to the ground floor of the rear elevation. All of the windows would be UPVC double-glazed, and the bi-folding doors will be powder coated aluminium. Standard access doors will be installed to the front elevation and western side elevation.
- 3.5 Vehicular access to the site would be obtained from Albany Road, with a new driveway leading from the highway to the site across part of the existing garden area to no. 9 Albany Road. There would be three on-site parking spaces located to the eastern part of the site. Associated bin storage facilities are also located within this area of the driveway. All areas of driveway would be surfaced with permeable surfacing (honeycomb grids, infilled with gravel).
- 3.6 Garden amenity space would be provided to the front and rear elevations of the dwellinghouse.
- 3.7 To accommodate this new dwelling, some works will be carried out to No. 84 Dalton Green Lane. This includes the subdivision of the existing garden amenity space, to have only a rear garden following the erection of the new property. In addition, the existing windows and openings to the eastern side elevation of Number 84 will be infilled. Two parking spaces will be created to the eastern side elevation of 84 Dalton Green Lane.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

- 4.1 2021/93793 – Erection of detached dwelling with parking and division of existing garden to provide amenity, parking and bin storage – Withdrawn.
- 4.2 The application (above) was withdrawn on the basis there were matters relating to access to the site which needed to be addressed. This application now under consideration has been submitted with alternative access arrangements proposed in response to the issues raised within application 2021/93793.

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

- 5.1 The submission of this scheme addresses the highways concerns raised under the original application of 2021/93793, moving highway access from Dalton Green Lane, using the existing private drive, to Albany Road.
- 5.2 The proposed driveway to the dwelling from Albany Road was amended to reduce the extent of hard surfacing, originally proposing three parking spaces to the front elevation of the dwelling. The three parking spaces are now proposed to the eastern side elevation of the dwelling. Kirklees Council Highways Development Management has confirmed this amendment to be acceptable.
- 5.3 The case officer sought several amendments with regard to the design of the proposed dwellinghouse, seeking to reduce the height of the projecting front gable to be single storey and removing the quoin detailing from the external facings. Amendment to the front bedroom window (moving to the east side elevation and amending the front window to obscure glazed of the same proportions of the bathroom window) was also requested. This was so that the proposal better harmonised with the other properties along the row off the unadopted drive and reduced the potential overlooking impact of the development to surrounding property.
- 5.4 The amendments to the scheme were not considered to significantly alter the nature of the development. Given this, the application was not re-publicised as the original round of publicity provided interested parties the opportunity to comment on the proposed development.

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 falls within an area which is unallocated in the Kirklees Local Plan, although does fall within an area with a known presence of bats, and area identified as being at low risk of ground movement as a result of former mining activity and within the Outer Zone of a hazardous materials site as identified by the Health and Safety Executive (HSE) in relation to Syngenta complex.
- 6.3 Kirklees Local Plan (2019):

LP1 – Achieving Sustainable Development

LP2 – Place Shaping

LP3 – Location of New Development

LP7 – Efficient and Effective Use of Land

LP21 – Highways and Access

LP22 – Parking

LP24 – Design

LP30 – Biodiversity and Geodiversity

LP33 - Trees

LP53 - Contaminated and unstable land

6.4 Supplementary Planning Guidance/Document:

On 29th June 2021, Kirklees Council adopted its Housebuilders Design Guide SPD. The document indicates how the Council will interpret its policies regarding such built development, with the advice aligning 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.

Kirklees Highways Design Guide (2019)

6.5 National Planning Guidance:

National planning policy and guidance is set out in National Planning Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical Housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

6.6 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications:

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Effective Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

7.0 **Public/Local Response:**

7.1 The application was advertised in accordance with the Kirklees Development Management Charter. Final publicity expired 24/01/2022.

7.2 Three representations were received, they raised the following objections:

- The addresses of the application site, named 84A Dalton Green Lane when the access point for the property is off Albany Road
- Overlooking
- Overshadowing and blocked views
- Tree was cut down before planning permission applied for / in place
- Possibility of removal of more trees
- Noise as a result of construction
- Potential for large vehicles blocking access requirements and damaging neighbouring vehicles during construction
- The proposal will increase potential for damage to vehicles on Dalton Green Lane

- The proposal doesn't meet the space about buildings separation distances, in particular the 21-metre separation distance between habitable room windows.

7.3 Ward Councillor Musarrat Khan has commented on the scheme and requested that the application be determined by the Huddersfield Planning Sub-Committee for the reasons outlined at paragraph 1.2 of this report.

8.0 Consultation Responses:

Below is a summary of the consultee responses. Where appropriate, these are expanded on in the main assessment.

8.1 Statutory:

KC Highways Development Management – upon the submission of amended plans, KC Highways Development Management confirm that the proposal is acceptable from a highway's safety perspective.

Health and Safety – HSE does not advise, on safety grounds, against the granting of planning permission in this case.

8.2 Non-Statutory:

KC Trees – support the application, outlining that it meets the expectations of policies LP24 and LP33 of the Kirklees Local Plan.

9.0 Main Issues

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Biodiversity
- Trees
- Other matters
- Representations

10.0 Appraisal

Principle of Development

10.1 The site is without notion on the Kirklees Local Plan (KLP).

10.2 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of Policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections of this report.

- 10.3 Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.
- 10.4 As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).
- 10.5 As the Kirklees Local Plan was adopted within the last five years, the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.6 Chapter 11 of the NPPF requires local planning authorities to make effective use of land through policies and decisions. Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. The site is approx 500m² which provides a housing density of 20 dwellings per hectare. The site, being previously developed land which forms part of the garden space, is considered to be brownfield land where redevelopment is sought to take place.
- 10.7 Whilst the density is less than that recommended, in this case it is considered other factors dictate that a lower density of development is suitable, notably access arrangements, relationship with other dwellings and proximity of large trees on neighbouring land. In summary, the principle of a detached dwelling on the site and the associated alterations to the existing dwelling are considered to be acceptable subject to other matters relating to the site and surrounding land, and discussed within the following sections of this report, being concluded as acceptable.

Impact on Visual Amenity

- 10.8 The NPPF offers guidance relating to design in Chapter 12 (Achieving Well-Designed Places) whereby paragraph 126 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.

- 10.9 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.
- 10.10 Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.
- 10.11 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*
- *“Taking cues from the character of the built and natural environment within the locality.*
 - *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
 - *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*
- 10.12 Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.
- 10.13 The application site is of a sufficient size to support a dwelling as proposed with a parking area and modest amenity space. The external appearance of the dwelling, as amended, is considered to harmonise appropriately with neighbouring properties located along the undeveloped drive off Dalton Green Lane, including being detached and of a two-storey height. In addition, the front elevation of the dwelling will be in line with the existing line of residential development along Dalton Green Lane of which it would be visually part. The scale of development is therefore considered to be acceptable.
- 10.14 The dwelling is proposed to be constructed using coursed natural stone for the walling, with concrete interlocking tiles for the roof. This is in line with the appearance of properties surrounding the site, which are predominantly faced in stone with tiled roofing forms.

- 10.15 The porch projection to the front elevation of the proposed dwelling is considered to be an appropriate subservient design feature, with several similar projections established to neighbouring properties, including to 76A Dalton Green Lane. The porch is to be of a single storey height and simple form, therefore, not giving rise to any undue bulking/massing to the front elevation of the dwellinghouse. The proposed porch will not be obtrusive and is considered to be an appropriate design feature.
- 10.16 The proposed fenestration detailing is considered to be appropriate, predominantly consisting of regular windows, with two contemporary glazed bi-folding doors set to the ground floor of the rear elevation. These forms of fenestration are considered standard forms of detailing for modern dwellings and are in keeping with the forms erected to the other properties along Dalton Green Lane. The windows will be framed in UPVC, acceptable visually and in keeping with the appearance of fenestration to surrounding properties.
- 10.17 The extent of hard surfacing is considered to be acceptable and it is concluded that an appropriate balance is achieved in terms of the entire extent of curtilage and the provision of naturally surfaced garden amenity space. Furthermore, usable off street parking areas and amenity spaces would be retained by no.84. The driveway to Albany Road would not appear out of place within the street frontage.
- 10.18 The proposed works to Number 84 Dalton Green Lane also need to be taken into consideration, as they fall within the curtilage of the application site. These alterations are considered not to detract from the original architectural style of the dwellinghouse, amending existing design features to better accommodate the new dwelling. It should also be noted that these amendments help to ensure the residential amenity, of the occupiers of no.84 would not be detrimentally affected. Visually, the proposed external alterations are considered to be acceptable, taking account of the reconfigured garden amenity space, vehicular parking to side and the infilling of windows to the eastern side elevation.
- 10.19 The design, scale and materials are all considered to be acceptable and would result in an appropriate form of residential development in this location, with respect to the character of the wider streetscene. On this basis any grant of permission is recommended to include conditions requiring details of materials, boundary treatments and finished floor levels to be submitted to the LPA for written approval. Subject to this, the proposals are considered to comply with LP24 (a) of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14 and 15 of the Kirklees Council's Housebuilders SPD and policies within chapter 12 of the NPPF

Residential Amenity

- 10.20 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised: -

- 21 metres between facing windows of habitable rooms at the back of dwellings.
- 12 metres between windows of habitable windows that face onto windows of non-habitable room.
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

10.21 In addition to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.22 Principle 17 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

10.23 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out:

10.24 *Impact on 84 Dalton Green Lane:* located west of the site.

Within the submitted planning statement submitted alongside this application, it states that the windows to the side elevation of No. 84 Dalton Green Lane will be infilled in conjunction with the development of a new dwelling to the east. Therefore, given that no windows will serve habitable rooms internally on the side elevation of this neighbouring property, the development poses no detriment of overbearing or overshadowing, with a predominantly solid wall created to the eastern side elevation of No. 84 (only one en-suite window will be present which will be obscurely glazed). This reconfiguration of the windows of No. 84 does not require planning permission and can be done under Permitted Development. However, to ensure compliance with the thrust of the SPD so that future occupiers of no. 84 are not adversely affected by the new dwelling, it is recommended that a condition be imposed requiring the works to be undertaken before the superstructure of the new dwelling is commenced.

The proposed dwelling will retain a separation distance of one metre from the shared boundary of No. 84 Dalton Green Lane. Although this falls short of the 2 metres as recommended within the SPD, this is considered to be acceptable in this instance, reflecting the existing pattern of residential development along Dalton Green Lane, which is typically terraced with only small gaps present between properties that are not attached. In turn, it is not considered that there would be any significant design benefit or benefit to the amenity of neighbouring occupiers from an increased separation distance in this case.

The new dwelling will align with the front and rear footprint of No.84 Dalton Green Lane and therefore, no significant overlooking, overbearing impact or overshadowing is considered to be caused to this neighbouring property on the basis of the amendments as set out in the planning statement, and controlled by planning condition, being undertaken.

It is recommended that any grant of permission requires a scheme to be submitted to the LPA and approved in writing which relates to the alterations to no.84 and requires them to be completed before the superstructure of the new dwelling is commenced. The recommended condition is considered to be necessary to ensure the works set out in the planning statement are completed and that a suitable reconfiguration of no.84 is undertaken to retain a good standard of amenity for the occupiers of this property.

10.25 *Impact on 18 Higson Court:* located north of the site.

A separation distance of approximately 15 metres will be achieved between the front elevation of the proposed dwelling (the front elevation of the porch) and the maximum rear projection of No. 18 Higson Court, measured from the rear elevation of the single storey rear extension. Excluding the front porch, a separation distance of 15.8 metres will be present from the same maximum rear projection at No. 18 and the main part of the new dwelling.

The separation distances between windows within the rear elevation of no. 18 Higson Court and the amended plans for the new dwelling are considered as follows. In the first-floor front elevation of the new dwelling there is a bathroom and landing window and, as part of recent amendments to the scheme, a secondary obscurely glazed bedroom window. The separation distance between the dwellings at first floor is approximately 19.7 metres. Two of the windows serve non-habitable rooms and the bedroom window is now a secondary, obscurely glazed window (which can be controlled by condition). The principal window to the bedroom is now in the eastern elevation. Although the separation distance between the secondary bedroom window falls short of the 21 metres as set out in the SPD, it is to be obscured glazed and is not the principal window serving this room. In addition, it is not directly facing the first-floor windows of 18 Higson Court; it is slightly offset and orientated towards the single storey garage of this neighbouring property, rather than having a face on relationship with no.18, these properties are a slight oblique angle to one another.

Furthermore whilst the window to front serving the bedroom would serve a habitable room, it would be obscure glazed and have the same appearance as a bathroom or other non habitable room. As such it is considered that the design of this upper storey window would minimise any potential loss of privacy, in accordance with guidance in paragraph 7.20 of the SPD. It is considered reasonable and necessary to require the first floor north facing windows to be obscurely glazed and for no additional first floor windows in the northern elevation to be installed. This is to retain a good standard of privacy for existing and future occupiers.

It is also important to note that the new property will reflect the existing relationship established between previously erected properties along Dalton Green Lane and Higson Court, which share the same separation distance between one another to that proposed between the new dwelling and properties on Higson Court.

Turning to the relationship between ground floor windows between the properties, Paragraph 7.20 of the Council's Housebuilders Design Guide SPD states that 'appropriate screening and boundary treatments...' are an appropriate design solution for allowing reduced separation distances to those set out earlier in the document. The separation distance between the rear ground floor windows of No. 18 Higson Court and those to the front elevation of the proposed dwelling would be 15.75 metres. Although there is a stone boundary wall between the application site and no 18 Higson Court, this would not provide screening of ground windows and the separation distance is less than 21m. To overcome this it would be necessary for additional boundary treatment to be erected along the northern boundary of the application site of 2m in height to provide appropriate privacy to existing and future occupiers of dwellings. There is a variety of boundary treatments between properties along Higson Court and Dalton Green Lane and, in this context, screen fencing would not look out of place or be unduly overbearing / oppressive. It is recommended that boundary treatments are required to be submitted to the LPA for written approval prior to the proposal being occupied to ensure this is the case. This is considered to satisfy the space about buildings between the proposed dwelling and no. 18.

The size and scale of the dwelling (7.7m to ridge and 5.2m to the eaves) is considered not be unduly overbearing or have a detrimental impact upon the outlook for the occupiers of 18 Higson Court. It is two-storeys in height and is reflective of the existing 'building line' between properties on Dalton Green Lane and Higson Court. It should also be noted that an area of front garden amenity space will be formed to the north of the new dwelling, of a length of 7.15 metres from the principal elevation and built form..

The new dwelling would be due south of no. 18 Higson Court. Sunlight calculator software has been used to assess the impact the new dwelling would have on this property. This indicates that it would cause no overshadowing in the summer months, when the sun is higher in the sky. In the winter, some overshadowing would occur. This would typically be between the hours of 11:00-14:00. It is acknowledged that this would have some impact on the enjoyment of no. 18. However, the impact is considered to be proportionate in the planning balance of all material considerations taken into account in the assessment of this application. It is concluded that unduly detrimental level of overshadowing would occur as a result of the development for the occupiers of 18 Higson Court, taking into account the overshadowing impact over the course of a year.

10.26 *Impact on 9 Albany Road:* located south of the site.

The proposed position of the new dwelling relative to the adjacent neighbour is such that there would be no significant impact on the amenities of the occupiers of the neighbouring no.9. A separation distance of approximately 18 metres will be present between this neighbouring property and the proposed dwelling, with the rear elevation of no.9 facing to a north-western angle from the site, which reduces any potential of overlooking between 1st floor windows.

Sub-paragraph 7.20 of the Council's Housebuilders Design Guide SPD sets out that 'the angles of facing elevations and the orientation of the buildings' is a design solution to allow for reduced separation distances between dwellings. Given the orientation of the proposal and no.9 and also the size and scale of the proposal, as well as the distance it would be sited from no.9 it is concluded that there would be no significant impacts of undue overbearing, overshadowing or to the neighbouring privacy of this property.

In addition, it is important to acknowledge that trees and shrubbery are present to the rear elevation of 9 Albany Road, these further reduce overlooking between these properties.

Although some amenity space at no.9 will be lost for the creation of the driveway to the proposed dwelling, this is a small proportion of the amenity space available within curtilage of no.9. Therefore, the loss to outdoor amenity space is considered to be minor and will not result in a detrimental loss, with both the front and rear gardens and a sufficient extent of driveway amenity space remaining for this property.

Given that the proposed route of access from Albany Road to the site is not a through route and will provide access only to the proposed dwelling, it is not likely that there will be a significant material loss of amenity for the occupiers of no.9 Albany Road as a result of vehicular movements to the side of their boundary. It is considered the proposal would not have a significant impact in relation to increases in traffic levels and associated noise.

10.27 *Impact on Oxfield Court Day Centre, including Crossroads Creche:* Located to the east of the site

There is a separation distance between the new dwelling and Oxfield Court Day Centre, including Crossroads Creche, to the east of the site of 19m. The dwelling and Oxfield Court Day Centre do not directly face one another with the eastern elevation of the proposed dwelling being at an oblique angle in relation to Oxfield Court Day Centre.

As previously set out, Sub-paragraph 7.20 of the Council's Housebuilders Design Guide SPD sets out that 'the angles of facing elevations and the orientation of the buildings' is a design solution to allow for reduced separation distances. In this case, given the distance and orientation of the proposed dwelling to Oxfield Court Day Centre it is concluded there would be no significant impacts with regard to overbearing, overshadowing or neighbouring privacy, including the re-sited bedroom window in the eastern elevation of the property.

It should also be noted that the boundary treatment between the two sites is a stone wall and a fence which is approximately 2m in height which screens the amenity space of the proposal from Oxfield Court Day Centre. There are tall, mature and dense trees in the grounds of Oxfield Court Day Centre which further work to further mitigate potential overlooking. Although a window is proposed to the first floor of the eastern side elevation, this will be set 21m from elevation of Oxfield Court Day Centre facing the proposal. In turn, this is not considered to impact negatively upon privacy, with overlooking further mitigated by the presence of tall/dense trees.

- 10.28 Having considered the above factors, the proposals are considered not to result in any unduly adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 (b) of the Kirklees Local Plan in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the NPPF. Where the scheme doesn't comply explicitly with the advised distances within the Council's Housebuilders SPD, it is considered sufficient justifications are evident as to why the scheme is acceptable from a residential amenity perspective in accordance with paragraph 7.20 of the SPD which sets out when reduced distances between buildings would be appropriate.
- 10.29 Noise as a result of construction has been raised as an objection to the proposal. Given the scale of the development, the construction phase of the development would be unlikely to be undertaken over a significant period. Notwithstanding this, it is recommended that any grant of permission requires the hours of construction to be restricted to ensure the starting and finishing times are not unreasonably early / late and not at unacceptable hours during weekends.
- 10.30 In terms of the amenities of the proposed occupiers, and requirements of principle 16 of the Housebuilders Design Guide SPD the proposed new dwelling would comfortably exceed the minimum recommended internal floor space standards as specified in the NDSS, therefore internally, Officers consider that the proposed dwelling would provide a good standard of amenity for future occupiers.
- 10.31 Further to this, and amenity space provision detailed in principle 17 of the Housebuilders Design Guide SPD. The property will benefit from private external amenity space to the front and rear, which would be of a suitable size for activities associated with the host property such as child's play to be undertaken.
- 10.32 Therefore, the proposal is considered to appropriately comply with LP24(b) of the Kirklees Local Plan, principles 6, 16 and 17 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the NPPF with regard to the amenities of future occupiers of the new dwelling.

Highways

- 10.33 Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders Design Guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance. Within an email dated 2nd February 2022 the Council's Highways Team confirm the concerns raised in their initial consultation response of 17th December 2021 have been suitably addressed and recommends conditional approval.

- 10.34 This application is for the erection of a four-bed detached dwelling with parking and a new access on to Albany Road. Albany Road is a 30mph two-way dual carriageway of approximately 5.6 metres width, with a footway on both sides of the highway and some street lighting present. The access to serve this dwelling would be new and any dropped crossing would need to be constructed in accordance with the requirements of the Highway Act, which could be added as an advisory note to any planning permission (s184). The new access, as indicated on the amended site layout plan, includes visibility splays which meet the visibility requirements of 2.4m x 43m at the site access. A condition would be required to ensure that sightlines are cleared of all obstructions to visibility exceeding 0.9 metres in height prior to development commencing and be retained as such. This is to ensure that adequate visibility onto Albany Road is created for the construction phase and future occupation of the property.
- 10.35 To meet the parking standards of The Council's adopted Highway Design Guide 3 parking spaces are required to be provided. These are shown on plan to be accommodated to the eastern side elevation of the dwelling. The applicant has also provided information regarding the surfacing of the driveway and parking spaces, to be surfaced in honeycomb grids, infilled with gravel. This is considered to be acceptable with regard to drainage however, a prescriptive condition will be included if the proposals are approved, to ensure that all surfacing and drainage accords with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) and to ensure that this surfacing is retained thereafter. This would be to ensure the hardsurface did not materially increase surface water run-off. This would be in accordance with guidance in Chapter 14 of the NPPF.
- 10.36 A bin storage and separate bin collection presentation point is shown on the proposed block plan and considered to be an appropriate area of waste storage and collection to serve the new dwelling without adversely affecting highway safety or amenity. The bin storage area is considered to be in an unobtrusive part of the site and is considered to have an acceptable visual impact. Taking account of the submitted detail and response of the Highways Team the proposal is concluded acceptable in this regard.
- 10.37 The access for Number 84 Dalton Green Lane will remain the same as existing, with two parking spaces accessible from the same route and located to the side of no.84 being indicated upon the plans. In addition is it considered likely a third vehicle could park to the front of no.84. The parking spaces are considered to provide adequate parking for this property, bin storage for no.84 is proposed to be at the rear and would not be stored on the street or to the front as a result of the proposal. The bin storage is considered to be suitable given it is to the rear.
- 10.38 Concerns have been raised regarding the construction phase and impact upon the highway; it is recommended that any grant of permission is subject to condition requiring a Construction Management Plan be submitted to the LPA for written approval to ensure appropriate arrangements are put in place for the construction period. Given the above, subject to conditions, Officers consider that the proposal would prevent detrimental harm to highways safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, the Highways Design Guide SPD, principles 12 and 19 of the Housebuilders Design Guide and Chapter 9 of the NPPF.

Biodiversity

- 10.39 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.40 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Principle 9 of the Housebuilders Design Guide SPD provides further detail.
- 10.41 The application site lies within the Bat Alert layer on the Council's GIS system. Although the proposal is for a new dwelling, an existing built garage is to be demolished within the curtilage of the site. Careful attention has been paid when looking for any evidence of potential bat roosting, with the garage structure appearing well sealed around the eaves and roof area, judged unlikely to contain roosting bats. Even so, as a cautionary measure, if the application is approved, a footnote will be added to the decision notice; stating that if bats are found, development shall cease, and the advice of a licensed bat worker sought.
- 10.42 Given the site is within an area with a known presence of bats, and to provide net gain in relation to biodiversity it is recommended any grant of permission requires a scheme of measures to improve biodiversity of the site, such as through the provision of bat bricks within the new property and boundary treatments which allow the passage of wildlife. With the inclusion of the recommend informative note and conditions, the proposal would appropriately comply with LP30 of the Kirklees Local Plan, Chapter 15 of the NPPF and Principle 9 of the Council's Housebuilders Design Guide SPD.

Trees

- 10.43 Chapter 15 of the NPPF seeks to conserve / protect the environment and for developments to have a net gain in terms of biodiversity. With regard to trees, Policy LP33 of the KLP sets out that developments which directly or indirectly threaten trees or woodlands of significant amenity should not be supported. There are several mature trees to the eastern boundary of the site on neighbouring land. Although the dwelling and new access would not directly impact these trees, they could indirectly impact on the root system; principally through the formation of the new access. An Arboricultural Method Statement and Arboricultural Impact Statement have been submitted in consideration of these factors. These highlight that no trees will require removal or pruning as part of this project. The statement also highlights that the trees will be adequately protected throughout the development, with the use of tree protection fencing where required and a no-dig cellular confinement system for the surface of the access.

- 10.44 KC Trees were formally consulted as part of this application, concluding that the proposals (with the supporting documents) meet the expectations of LP24 and LP33 of the Kirklees Local Plan and therefore support the application from a tree's perspective. KC Trees did advise that, if approval were to be granted, a condition of compliance should be included, to ensure that the Arboricultural Method Statement is adhered to during construction. Subject to inclusion of the recommended condition the proposal is considered acceptable in this regard.

Other Matters

Climate Change

- 10.45 Principle 18 of the Housebuilders Design Guide SPD expects new proposals to contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Paragraph 9.8 of the Housebuilders Design Guide details that homes can take advantage of solar gain, typically with one elevation facing within 30 degrees of due-south and supporting the position of dual-aspect buildings to allow for the penetration of natural light at different times of the day. This paragraph goes on to state this needs to form part of an integrated house design that avoids overheating.
- 10.46 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 predates 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.
- 10.47 Officers also note the use of double-glazed windows within the design of the dwelling, a positive design feature with regard to reducing carbon dioxide emissions. Double-glazed windows act as a shield against cold weather, meaning less artificial heating is required inside the home. Building regulations would need to be gained for a development of this type and would require suitable insulation is undertaken to the dwelling. The proposal would have a dual aspect with openings to the north, south and eastern elevations serving habitable rooms which would take advantage of solar gain as set out in paragraph 9.8 of the Housebuilders Design Guide.
- 10.48 Due to the nature of the scheme, this being a proposal providing 1 additional residential unit within the site within an urban location, it is considered that one electric vehicle charging point should be provided to aid in the contribution to climate change. It is considered that, given the requirements of building regulations and scale of the proposal, it would be unreasonable of the LPA to require further measures to be undertaken as a condition of any grant of permission. Therefore, subject to this condition the application is considered to comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the SPD and Chapter 14 of the National Planning Policy Framework.

Health and Safety

10.49 The site falls within the outer zone of a hazardous materials site which is identified by the Health and Safety Executive (HSE). The HSE do not advise against (on safety grounds) the granting of planning permission in this case. It is therefore considered the proposal would be acceptable in this regard and compliant with Policy LP53 of the Local Plan and Chapter 15 of the NPPF.

Representations

10.50 Insofar as they have not already been addressed elsewhere within this report, the following objections are addressed as follows:-

- Tree was cut down before planning permission applied for / in place

10.51 There was no requirement for permission to remove this tree prior to submission of the application as it was not formally protected by Tree Preservation Order.

- The proposal will increase potential for damage to vehicles on Dalton Green Lane

10.52 It is considered that, in light of the response and conclusions of the Council's Highways DM Team, little weight can be afforded to this given separate legislation is in place to control this should any such damage occur and the existing width of Dalton Green Lane would not be altered. Furthermore, the proposal is for the erection of one detached dwelling which would not significantly intensify the use of Dalton Green Lane.

10.53 The concerns raised by Cllr Khan are addressed below:

- Loss of amenities for 18 Higson Court, in terms of overlooking, overshadowing and the creation of an overbearing effect, with loss of privacy.

Response: It is concluded that the proposed dwelling would not result in significant detrimental impacts to residential amenity for the occupiers of 18 Higson Court. The specific assessments of overlooking, overshadowing and overbearing are set out in paragraph 10.25 of this report. In summary, for reasons of separation distance, layout and fenestration detailing, it is considered that the proposal will not be detrimental with regard to these concerns.

- Proposal falls short of 21 metres with regard to the separation distance from 18 Higson Court.

Response: It is correct that the proposal does fall short of the 21 metres separation distance as set out under Principle 6 of the Council's Housebuilders Design Guide SPD. However, as set out in paragraph 10.25 of this report, the scheme incorporates design solutions that allow for reduced distances, including the siting of the dwelling and fenestration detailing with regard to design and orientation and also through the use of obscure glazing to the first-floor windows of the proposed dwelling. Furthermore, a condition can be imposed in respect of maintaining privacy between ground floor windows.

11.0 Conclusion

- 11.1 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.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development 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. Timescale for the commencement of development
2. Development to be in accordance with the approved plans
3. Compliance with Arboricultural Method Statement
4. Hours of construction
5. Submission of Construction Management Plan
6. Provision of visibility splays in accordance with submitted site layout plan prior to commencement
7. Surfacing of parking and access area (surface water drainage)
8. Details of external facing and roofing materials
9. Details of boundary treatments (including 2m screen fencing to the northern boundary of the site)
10. Details of Finished Floor Levels
11. Details for biodiversity net gain (for example bat bricks, boundary treatment to allow the passage of wildlife)
12. Details of scheme relating to layout and external alterations to no.84, including parking spaces
13. First floor north facing windows to be installed with obscure glazing and retained as such
14. Removal of permitted development rights for new first floor windows in the north elevation
15. Electric vehicle charging point

Background Papers:

Application Details:

[Link to application details](#)

Certificate of Ownership: Certificate B completed 15th December 2021

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