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

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Wednesday 12 October 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 20 October 2022**.

(A coach will depart the Town Hall, at 09:20 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 Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor Tyler Hawkins
Councillor James Homewood
Councillor Jo Lawson
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Donald Firth
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Andrew Marchington
Councillor Susan Lee-Richards
Councillor Charles Greaves

When a Member of the Planning Sub-Committee (Huddersfield Area) cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

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

Green

K Allison

Independent

A Lukic

Labour

A Anwar
S Hall
M Kaushik
F Perry E Firth

Liberal Democrat

A Munro
PA Davies
J Lawson
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 - 4

To approve the Minutes of the meeting of the Committee held on 21 July 2022.

3: Declaration of Interests and Lobbying

5 - 6

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: Public Question Time

To receive any public questions.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
 - Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.
-

7: Site Visit - Application No: 2021/94569

Demolition of existing outbuildings and erection of three detached dwellings adj, Cranborne, Clifton Avenue, Wooldale, Holmfirth.

(Estimated time of arrival at site 9:45 am)

Contact officer: Ellie Worth, Planning Services

Ward(s) affected: Holme Valley South

8: Site Visit - Application No: 2022/91620

Erection of extensions creating first floor to existing bungalow, internal and external alterations 2, Town End Avenue, Wooldale, Holmfirth.

(Estimated time of arrival at site 10:05 am)

Contact officer: Ellie Worth, Planning Services

Ward(s) affected: Holme Valley South

9: Site Visit - Application No: 2022/91154

Demolition of existing dwelling and erection of detached dwelling including new landscaping and tennis court Old Biggin Farm, Cold Hill Lane, New Mill, Holmfirth.

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

Contact officer: Katie Chew, Planning Services

Ward(s) affected: Holme Valley South

10: Site Visit - Application No: 2020/93800

Outline application for one detached dwelling adj, 100, Birchenclyffe Hill Road, Lindley, Huddersfield.

(Estimated time of arrival at site 11:00 am)

Contact officer: William Simcock, Planning Services

Ward(s) affected: Lindley

11: Site visit - Application No: 2022/91630

Erection of two storey side and single storey rear extensions 15, Dorchester Road, Fixby, Huddersfield.

(Estimated time of arrival at site 11:20 am)

Contact officer: Ellie Worth, Planning Services

Ward(s) affected: Ashbrow

12: Site Visit - Application No: 2022/91676

Erection of first floor extension to rear and dormer window to front and rear 17, Mead Street, Fartown, Huddersfield.

(Estimated time of arrival at site 11:40 am)

Contact officer: Laura Yeadon, Planning Services

Ward(s) affected: Greenhead

Planning Applications

7 - 8

The Planning Sub 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 no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 17 October 2022.

To pre-register, please contact richard.dunne@kirklees.gov.uk or governance.planning@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995).

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.

- 13: Planning Application - Application No: 2021/94569** 9 - 36
- Demolition of existing outbuildings and erection of three detached dwellings adj, Cranborne, Clifton Avenue, Wooldale, Holmfirth.
- Contact officer: Ellie Worth, Planning Services
- Ward(s) affected: Holme Valley South
-
- 14: Planning Application - Application No: 2022/91620** 37 - 58
- Erection of extensions creating first floor to existing bungalow, internal and external alterations 2, Town End Avenue, Wooldale, Holmfirth.
- Contact officer: Ellie Worth, Planning Services
- Ward(s) affected: Holme Valley South
-
- 15: Planning Application - Application No:2020/93800** 59 - 76
- Outline application for one detached dwelling adj, 100, Birchenclyffe Hill Road, Lindley, Huddersfield.
- Contact officer: William Simcock, Planning Services
- Ward(s) affected: Lindley
-
- 16: Planning Application - Application No: 2022/91154** 77 - 102
- Demolition of existing dwelling and erection of detached dwelling including new landscaping and tennis court Old Biggin Farm, Cold Hill Lane, New Mill, Holmfirth.
- Contact officer: Katie Chew, Planning Services
- Ward(s) affected: Holme Valley South
-
- 17: Planning Application - Application No: 2022/91630** 103 - 118
- Erection of two storey side and single storey rear extensions 15, Dorchester Road, Fixby, Huddersfield.
- Contact officer: Ellie Worth, Planning Services
- Ward(s) affected: Ashbrow
-

18: Planning Application - Application No: 2022/91676

119 -
132

Erection of first floor extension to rear and dormer window to front and rear 17, Mead Street, Fartown, Huddersfield.

Contact officer: Laura Yeadon, Planning Services

Ward(s) affected: Greenhead

Planning Update

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

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 21st July 2022

Present:

Councillor Paul Davies
Councillor Tyler Hawkins
Councillor James Homewood
Councillor Jo Lawson
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Andrew Marchington

Apologies:

Councillor Sheikh Ullah (Chair)
Councillor Susan Lee-Richards
Councillor Charles Greaves

- 1 Membership of the Sub-Committee**
Apologies were received from Councillors Ullah, Greaves and Lee-Richards.

In the absence of Councillor Sheikh Ullah Councillor James Homewood was elected to chair the meeting.
- 2 Minutes of previous meeting**
The minutes of the meeting held on 16 June 2022 were approved as a correct record.
- 3 Declaration of Interests and Lobbying**
No interests or lobbying were declared.
- 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 Site Visit - Planning Application No: 2022/90852**
Site visit undertaken.

8 Planning Application - Application No: 2022/90852

The Sub-Committee gave consideration to Planning Application 2022/90852 Erection of mixed use development of retreat building and 5no. dwelling houses with integral garages 41, Ashbrow Road, Fartown, Huddersfield.

RESOLVED –

1. Subject to the submission of a suitable Bat Scoping Report and information to demonstrate how the scheme will secure biodiversity net gain, 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. External facing and roofing materials – samples to be submitted and approved
 4. Access points to be formed as shown on the drawings before the retreat building/dwellinghouses are occupied
 5. Areas to be used by vehicles to be laid out/ marked out for the retreat building before first occupation and thereafter retained.
 6. Waste storage and collection arrangements to be provided (including for the retreat centre).
 7. All development to proceed in accordance with the submitted Arboricultural Method Statement
 8. Measures to deliver biodiversity net gain, (as set out in reports/information required pre-determination of the application)
 9. Boundary treatments for the whole development, to include screen fencing to the rear of dwellings and suitable balustrades for roof terraces, to be approved and installed before first occupation.
 10. Obscure glazing to be installed and retained in the western elevation of retreat centre.
 11. No windows to be installed in the eastern elevation of the ground floor or lower ground floor of Plot 5
 12. Cycle storage for retreat building and dwellings to be submitted and approved
 13. Electric vehicle charge points to be installed for retreat building and dwellings.
 14. Details of measures to combat climate change to be submitted and approved.
 15. Detailed of existing and proposed ground levels and finished floor levels, related to an identifiable datum.
 16. Integral garages to be retained and not converted to habitable accommodation.
 17. Contamination/Remediation and Validation conditions in relation to the potential of mine gas being present on site.
 18. Development to be undertaken in accordance with the recommendations of any approved Bat Scoping Report (as set out in reports/information required pre-determination of the application).
2. In the circumstances where the Bat Scoping Report and information to demonstrate how the scheme will secure Biodiversity Net Gain has not been submitted within 3 months of the date of the Committee's resolution, then the Head of Planning and Development shall consider whether permission should be

Planning Sub-Committee (Huddersfield Area) - 21 July 2022

refused on the grounds that the proposals are unacceptable as contrary to Circular 6/2005 Biodiversity and Geological Conservation (ODPM, 2005) that indicates that information on protected species, (bats), should be made available prior to determination; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

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

For: Councillors: Davies, Hawkins, Homewood, Jo Lawson, Marchington, McGrath, McGuin, Sarwar and Sokhal (9 votes)

Against: (0 votes).

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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: 20-Oct-2022

Subject: Planning Application 2021/94569 Demolition of existing outbuildings and erection of three detached dwellings adj, Cranborne, Clifton Avenue, Wooldale, Holmfirth, HD9 1AL

APPLICANT

Mr & Mrs M England

DATE VALID

07-Dec-2021

TARGET DATE

01-Feb-2022

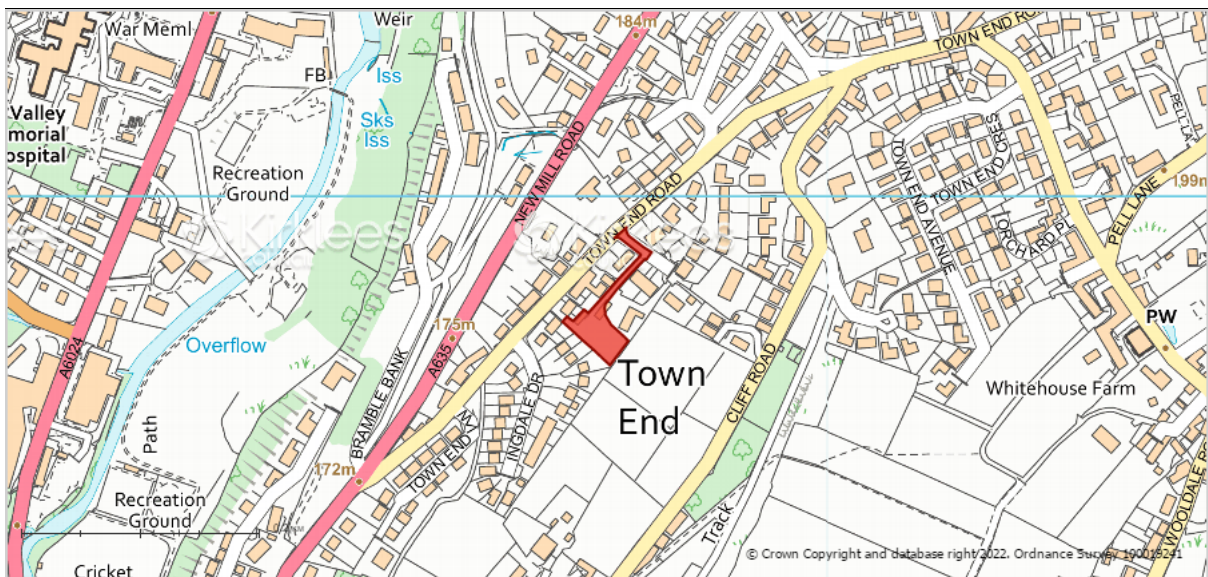
EXTENSION EXPIRY DATE

24-Oct-2022

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: Holme Valley South

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 seeks full planning permission for the demolition of existing outbuildings and the erection of three detached dwellings.

1.2 The application is brought to Huddersfield Planning Sub Committee due to the significant number of representations received, contrary to the Officer's recommendation and at the request of Cllr Donald Firth who has provided the following reason:

"Clifton Avenue is a private unadopted road which has more than its fair share of cars and vans parking on the avenue, which also causes vehicles parking down Town End Road. Town End Road is a very narrow road and can cause problems with the mini bus which is routed on that road as part of its Wooldale bus route. There is also a flooding problem which is in the vicinity of the new build, which again doesn't bode well. I have to say that particular area is already overbuilt and any more properties would be making an already parking problem much worse."

1.3 The Chair of Huddersfield Sub-Committee has accepted the reason for making this request, having regard for the Councillor's Protocol for Planning Committees and also notes the number of representations received.

2.0 SITE AND SURROUNDINGS:

2.1 The site relates to a parcel of land to the South West of Cranborne, Clifton Avenue, Wooldale. The site comprises of two outbuildings, situated to the north west and north east, which will be demolished as part of the proposal. The remainder of the site consists of open grassland which slightly slopes upwards from the north west to south east. Access can be taken from the existing track, onto Clifton Avenue, an unadopted road to the north east of the site. Boundary treatment consists of dry-stone walling and hedging.

- 2.2 The locality is predominantly residential in character, and includes the properties along Town End Road, Ingdale Drive, along with Cranborne itself. These consists of 1, 2 and 3 storey dwellings due to the change in levels, however, the common construction material appears to be stone. Directly adjacent to the eastern/south eastern boundary of the site, is safeguarded land, as allocated within the Kirklees Local Plan.
- 2.3 The site itself unallocated on the Kirklees Local Plan and is not within a Conservation Area nor is it within close proximity to any listed buildings. The site does not contain any significant or protected trees.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the demolition of existing outbuildings and the erection of three detached dwellings. The layout shows all three dwellings to face towards the existing access and Cranborne. The access is to remain as existing and would be used for the site only. An alternative, existing access will be used by the occupants of Cranborne and has been displayed in the blue line boundary on the proposed site plan.
- 3.2 The dwellings are to be two storey in height and would benefit from both hip and gable roofs.
- Plot 1 would be ~12.5m in width, ~13m in overall depth with an overall height of ~7.3m.
 - Plot 2 would be ~11.3m in width, ~9.5m in depth with an overall height of ~7.3m.
 - Plot 3 would be ~9.6m in width, ~13m in depth with an overall height of ~7.15m.
- 3.3 Each dwelling would provide 4 bedrooms, along with an attached/integral garage. To the front, a small landscaped area and driveway is proposed, along with private amenity space to the rear. Facing materials are proposed to be natural stone with grey slates to the roofs.
- 3.4 The site plan also shows a number of street trees to be proposed within the dwelling's front/side gardens. Any hedging/conifers would be retained as existing.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

- 2007/94174 – Erection of extension, dormer and conservatory – Granted.
- 97/92742 – Outline application for erection of detached dwelling with integral garage – Refused and appeal dismissed. This was refused on 9th October 1997 for the following reasons by the Local Planning Authority:

“(1) The proposed access in the position indicated would remove some of the parking and turning area previously approved to serve dwellings adjacent. This would not be in the best interests of highway safety, contrary to Policy T10 of the Council's deposit draft Unitary Development Plan.

“(2) The access drive as proposed due to its length, is of insufficient width to serve the service and emergency vehicle access and turning provision required. The proposal does not therefore meet relevant safety standards, contrary to Policy T10 of the Council's deposit draft Unitary Development Plan.”

- 96/93037 – Outline application for the erection of detached dwelling with integral garage – Refused and appeal dismissed. This application was refused on 7th February 1997 for the following reason by the Local Planning Authority:

“The proposed development would lead to the intensification and perpetuation of use on the existing substandard vehicular access, Clifton Avenue, creating difficulties to users of that highway, leading to conditions prejudicial to highway safety, contrary to Policy T10 of the Council's deposit draft Unitary Development Plan.”

- 93/00044 – Erection of two storey extension – Granted.

4.2 Surrounding the application site:

- 2008/91784 – Erection of extensions and alterations – Granted (1 Ingdale Drive).
- 90/02921 – Erection of three town houses and garages – Granted (Land adj to 21 Town End Road).
- 86/03193 – Erection of one pair of semi-detached dwelling with garages under – Granted (Land adj to 22 Town End Road).
- 89/04428 – Erection of 4 town houses – Refused (Land adj to 21 Town End Road).

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

- 5.1 Concerns have been raised regarding the size and scale of the dwellings, the amount of hardstanding proposed to the front of the site and the dwellings relationships with third party land/properties. A drainage strategy has also been sought on 10th May 2022, along with final amended plans on 24th August 2022.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 The site is unallocated on the Kirklees Local Plan Proposals Map, but is within the Strategic Green Infrastructure Network, and adjacent to safeguarded land which is to the south east of the site.

6.3 Kirklees Local Plan (2019):

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 4 – Providing Infrastructure
- LP 6 – Safeguarded Land
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 11 – Housing Mix and Affordable Housing
- LP 20 – Sustainable Travel
- LP 21 – Highways and Access
- LP 22 – Parking
- LP 24 – Design
- LP 27 – Flood Risk
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 33 – Trees
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land

6.4 National Planning Guidance:

6.5 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 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 Efficient 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

6.6 Holme Valley Neighbourhood Development Plan

6.7 The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

6.8 The policies most relevant in the determination of this application are:

- Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 6 – Building Homes for the Future
- Policy 11 – Improving Transport, Accessibility and Local Infrastructure
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

6.9 Supplementary Planning Guidance Documents

- Kirklees Housebuilders Design Guide (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 16th September 2022. As a result of the above publicity, 40 representations have been received in objection to the scheme. The comments received are summarised below (full comments are available to view on the Council's Planning Webpage):

Visual amenity concerns:

- The proposal is an overdevelopment of a constrained site.
- The recently approved Neighbourhood Plan seeks to ensure that the quality of design of new developments enhances the valley. The proposed development is no more than a computer-generated vision of a generic pastiche of the local vernacular.
- The dwellings would dominate the site.
- The development would be out of character for the area.
- Suggest smaller properties, including the possibility of properties for first time buyers as highlighted in the Parish Council's planning submission for this development.
- The development would have a negative affect on the character of the area and become a blot in the landscape.
- Single storey/bungalow properties would help alleviate this issue and could provide much needed disabled/affordable homes in the area. Strongly against the construction of such large houses as it will create less light and 'shadow' the houses below the development.
- The orientation is appropriate but the roofscape and massing is still very dominant in relation to adjacent properties.

Highway safety & parking:

- Concerns regarding the use of the land in which adjoins Town End Road, as it might be used for access to the development. This will severely impact on street parking which at the moment is tight. On street parking isn't available from this point up Town End Road because of the constriction in the road.
- The development would have a detrimental increase in traffic volume up a narrow road.
- Slight lines are poor when approaching Town End Road from Clifton Avenue.
- Intensification of Clifton Avenue in which already serves a number of dwellings, therefore the additional properties would exacerbate this issue.
- Cranborne has no street lighting, no pavements and has cars already parked along it by local residents, making turning for larger vehicles including emergency services impossible.
- Impact on pedestrians from the additional traffic especially during the winter months.
- The developer should pay for any damage to Clifton Avenue during construction.
- The applicants, their contractors, and the eventual owners of any buildings should undertake and covenant not to block, obstruct, park or leave unattended at any time any vehicles, plant or machinery on any part of Clifton Avenue.
- Previous Planning Inspectors have dismissed the development of this land from both Town End Road and Clifton Avenue. The Council needs to be satisfied that additional vehicles can be accommodated without detriment to highway safety, when Clifton Avenue lacks adopted status and footways.

Residential amenity:

- Overbearing to neighbouring properties.
- Overlooking neighbouring properties.
- A sun path analysis should be provided to consider the impact on residential amenity.
- Due to the change in land levels and the height of the dwellings, they would overshadow the properties below.
- The removal of some of the boundary treatment, will result in less privacy to neighbours.

Drainage:

- No details to how the drainage would work.
- The hillside between Cranborne/Ingdale Drive and Cliff Road is pockmarked with springs and this already causes run-off problems for the odd numbered properties on Ingdale Drive and the drainage of surface water on Ingdale Drive.
- Run off water from the fields already drains into the gardens and down the centre of Ingdale Drive. This is a concern during winter months, when the water freezes. Therefore, the new building work would only add to these issues.
- The road is already water logged after heavy rain fall and when this freezes it is dangerous.

- Proposed buildings would be located on a ground which now acts as a sponge and prevents soaking of buildings located on the Eastern side of Ingdale Drive.
- If the Cranborne field is removed and no longer mops up the excess water then it has the potential to create the same issues that Ingdale Drive suffers on Town End Road.
- Despite the Council recently responding by doing some work on the road drain the issue is not resolved and the water still fails to go down the drain.
- Scheme is massively concrete or impermeable with huge drives as a part of this and only a relatively small amount of permeable (garden).
- The planning proposal says it will use the existing water course for surface water and the drainage strategy that was commissioned says it can connect to the existing system from the nearby Cranborne, but the existing system does not stop water flowing onto Ingdale Drive.
- Concerns regarding where the sewer system will be routed to.
- Existing issues with the current drains for sewerage.
- Concerns regarding the findings of the drainage strategy, which should be discussed with Yorkshire Water.
- Although considered a small development that may not meet normal statutory obligations for consultation regards flood risk, with the knowledge of current resident issues and concerns regards new developments on this hillside, it would be appreciated if the Local Planning Authority would consult Yorkshire Water for advice on these risks.
- The plans have not been altered to amend the sewage outlet.
- If approved, the scheme should be drained as per the revised JNP drainage details.
- Concerns regarding the findings of the JNP reports both with regards to surface water and sewerage.

Biodiversity:

- The proposals offer no discernible net gain in relation to the adopted policy on 10% biodiversity net gain, and ecological protection.
- The design and access statement is silent in regard to the 'quality places' SPD documents and design codes. This site bears witness to bats and owls and proposals to reduce the enclosure trees and boundaries would significantly reduce this habitat opportunity.
- Concerns about the potential loss of natural habitat for local wildlife and the impact this development could have on a protected species. It has been observed in spring/summertime bats flying in the vicinity which are a protected species.
- Concerns that a green field site is being used for the development and this will result in the loss of more existing natural habitat through very substantial coverage with hard surface and little, if any landscaping.

General concerns:

- Noise disturbance (suitable working hours should be conditioned)
- The plans show fencing to be replaced, however, there is no fencing as existing.
- Concerns regarding contaminated land.
- There have been previous planning applications for this land in which have been refused.

- Concern regarding the blue line boundary.
- Boundary treatments are plotted in positions which indicate the inclusion of third-party garden land and new fencing on Town End Road and Ingdale Drive.
- The whole plan is inappropriate, it would be a Cul-de-sac, very unhelpful for pedestrian services like the postman.
- Although additional planting of trees adjacent to boundary fences are welcomed to encourage natural habitats, careful consideration should be given to whose responsibility it is for future maintenance and the impact of loss of light from shade to neighbouring properties.
- Permitted development rights should be removed in the case of an approval.
- Do not give permission for fence to be removed or replaced.

Holme Valley Parish Council: Object to the application based on the over-intensification of the site, potential overlooking and loss of light, drainage issues, highways and the provision of parking, fencing to neighbouring boundaries and the lack of information on meeting sustainability outcomes and addressing climate change. The Parish Council are also disappointed that the project does not include any provision for smaller and more affordable housing. *Comment: These concerns have been noted and have been taken into account when requesting amendments to the scheme. These matters are addressed below in the assessment section of the report.*

Due to the amendments received, Officers considered it reasonable to re-advertise the application via a 21-day neighbour notification letter.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- Yorkshire Water: No objection subject to a condition being attached to the decision notice to state that the development shall be built in accordance with the submitted drainage strategy.

8.2 Non-statutory:

- KC Lead Local Flood Authority: In support subject to the development being constructed in line with the submitted drainage strategy, which should be conditioned in the case of an approval.
- KC Highways DM: No objection subject to conditions being attached to the decision notice regarding new surfacing being drained within a permeable surfacing and details of the storage of waste.
- KC Environmental Health: No objection subject to conditions being attached to the decision notice with regards to land contamination and electrical charging vehicle points.

8.3 The above is a summary of the responses provided from consultees, with full comments being able to view on the Council's Planning Webpage.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highways safety
- Ecological impacts
- Flooding and drainage
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored. The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the Kirklees Local Plan states that:
- “All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*
- 10.3 The site is within the Kirklees Rural sub area.
- 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.
- 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 Policy LP11 of the Kirklees Local Plan requires 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 in line with the latest evidence of housing need”*.

- 10.7 Kirklees Local Plan Policy generally seeks to support residential development upon unallocated sites. Policy 6 of the Holme Valley Neighbourhood Development Plan (HVNDP) states that housing development will be supported subject to the following considerations being met:
- The proposed development being within existing settlements (and if in the green belt, it must be acceptable with guidance contained within the NPPF).
 - Adequate parking.
 - Good access to public transport and encourage walking and cycling by enhancing, expanding and linking to existing routes.
 - Densities making best and efficient use of land and reflecting settlement character.
- 10.8 The site is within the settlement of Wooldale, is not within the Green Belt, and also has good access to public transport given the close proximity to New Mill Road with frequent bus services.
- 10.9 In respect of the density of development, Policy LP7 of the Kirklees Local Plan and Principle 4 of the Housebuilders Design Guide SPD establish a desired target density of thirty-five dwellings per hectare. The text supporting Policy 6 of the HVNDP states that the housing density in the Holme Valley will be approximately thirty dwellings per hectare. However, Policy LP7 of the KLP states this target should be *'where appropriate' and in the policy justification set out in para 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'*
- 10.10 Given the above, this site, in theory, is suitable to accommodate 3 dwellings, and 3 dwellings are proposed here which is considered acceptable in respect of the aforementioned policies.
- 10.11 In terms of the adequacy of the parking proposed, this will be discussed below in the highway safety subsection, but in summary it is considered that adequate parking could be provided for three residential dwellings on this site.
- 10.12 Given the above, Officers hold the view that the principle of residential development at the site could be acceptable, but the acceptability of the scheme will also be dependent on other considerations which will be discussed in more detail below.
- 10.13 It is acknowledged that third parties have stated that affordable homes should be provided on the site, however as the scheme is for 3 dwellings there is no policy requirement to provide affordable housing.

Safeguarded land

- 10.14 As outlined above, the eastern/south eastern boundary is adjacent to land designated as being safeguarded within the Kirklees Local Plan. Therefore, Policy LP6 of the Kirklees Local Plan is necessary which states that *"all proposals must not prejudice the possibility of long term development on safeguarded land sites."* As such, the impact of the development on this land will be assessed in more detail within the report below.

Visual amenity

10.15 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.”

10.16 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also 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.

10.17 Policy LP24 of the KLP states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

10.18 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.

10.19 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.”*

10.20 Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

10.21 Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

10.22 Policy 1 of the HVNDP relates to protecting and enhancing the landscape character of Holme Valley, and states that: *“All development proposals should demonstrate how they have been informed by the characteristics of the Landscape Character Area (LCA) in which they are located”*. The Policy goes on to note that proposals should be designed in accordance with the character and management principles in respect of landscape set out for each LCA in order to avoid detrimental impact on the LCA. This Policy also notes that a full hard and soft landscaping scheme is to be submitted with all planning applications for new buildings.

10.23 Policy 2 of the HVNDP relates to protecting and enhancing the built character of the Holme Valley and promoting high quality design. Policy 2 notes that proposals should be designed in accordance with the management principles for each LCA in respect of built character in order to avoid detrimental harm to the LCA.

10.24 In respect of Policies 1 and 2 of the HVNDP, the site is identified as being within LCA 4 (River Holme Settled Valley Floor). In terms of landscape, the HVNDP notes that key character management principles for this LCA are:

- Ensure new development respects framed views from the settled floor to the upper valley sides and views across to opposing valley slopes and views towards the Peak District National Park.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRow to promote access and consider opportunities to create new links to existing routes particularly physical and visual links to the River Holme.
- Consider opportunities through major developments to provide interpretation of the historic industrial role of the river and mill ponds within the local landscape.

10.25 In terms of the built character, the HVNDP states that the key character management principles for this LCA are:

- Regard should be had to the key characteristics that give these areas their distinctive character and should respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.
- Strengthen local sense of place through design which reflects connections to past industrial heritage related to each settlement including through retaining or restoring mill buildings and chimneys.
- Consider replacing asphalt and concrete with traditional surfacing such as stone setts and cobbles.

- 10.26 Policy 2 of the HVNDP also states that: *“New development should strengthen the local sense of place by designing the site layout to respect the existing grain of development in the surrounding area and through use of local materials and detailing,”* and that: *“Designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting.”* In addition, Policy 2 states that: *“Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment.”*
- 10.27 The rectangular shape of the site, its topography (which slopes up from Town End Road) and its relationship with existing residential properties have influenced the layout of the proposal.
- 10.28 In respect of Principle 5 of the Housebuilders Design Guide SPD, whilst the site is set behind other dwellings on Town End Road and Clifton Avenue, it is considered that the principle of residential development in such a location could be acceptable given that Cranborne is already to the rear of properties on both roads and the development would utilise the existing access to Cranborne of Clifton Avenue.
- 10.29 The proposed density of the development is considered to be appropriate for its location by Officers. Officers note that the rear gardens would not be particularly long and the footprint of the dwellings on their plots would be relatively large. However, it is considered that the dwellings would not appear cramped on the site given the variety of garden sizes in the locality, the spacing between the proposed dwellings and the spacing off neighbouring boundaries.
- 10.30 The surrounding area has a mixture of house types including detached, semi-detached and terraces, therefore Officers hold the view that the proposed detached dwellings in this location, would not be out of keeping with the character of the area.
- 10.31 The dwellings would be two storey in height. Officers consider this acceptable in principle, when taking into account the height of other dwellings in the locality, along with the changing topography. The overall heights of the dwellings would not be overly large when compared to those on Ingdale Drive. A similar arrangement to the application site, can be found at no. 1 Ingdale Drive with no's. 10, 12 and 14 Town End Road, to display how the buildings would appear due to the rising topography.
- 10.32 In terms of scale and massing, the dwellings would be relatively large, with plots 1 and 2 benefiting from projecting gables. Whilst the gable elements would increase the overall bulk and massing of the dwellings, they would be set back from the highway and therefore would not be overly prominent within the street scene. Therefore, given the above, the form, scale and massing of the dwellings proposed have been considered acceptable by Officers.
- 10.33 As noted above, the proposed dwellings would be inset from the shared boundaries, whether that be internally or to existing residential properties. This would help prevent the development appearing cramped in the locality. The properties would also benefit from space for parking and a small garden to the front, along with modest rear gardens. Therefore, for these reasons, Officers do not consider the development to constitute an overdevelopment of the site.

- 10.34 The mixture of roof types has been considered acceptable by Officers, as they would be similar to the existing, surrounding built form.
- 10.35 Fenestration includes mullion windows to the principal elevations and a more contemporary approach to the rear. This is to keep in with the character of the nearby properties.
- 10.36 Materials include natural stone with grey roof tiles. Integral solar panels are also proposed to the rear roof slopes (details of which can be conditioned). The use of natural stone for the walls is welcomed so as to reinforce local distinctiveness, as such material is common throughout the Holme Valley.
- 10.37 In terms of landscaping, there would be quite a large hard surfaced area to the front of the dwellings, which is required for internal turning and access. As such, Officers required additional soft landscaping in order to soften this area and therefore front gardens have been proposed. This has been displayed in detail on the boundary plan and will be protected by small metal railings. Furthermore, the existing conifers to the southern elevation would be retained, along with new hedging to the north western elevation, which will aid in providing privacy to existing third party properties.
- 10.38 Given the above, Officers hold the view that the proposal would prevent detrimental harm to the visual amenities of the locality in accordance with Policy LP24 (a) of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the HVNDP and Chapter 12 of the NPPF.

Residential Amenity

- 10.39 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.
- 10.40 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.
- 10.41 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. For two storey houses, this SPD recommends minimum separation distances of:
- 21 metres between facing windows of habitable rooms at the back of dwellings.
 - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room.
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- 10.42 Policy 2 of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

16, 18 and 20 Town End Road

10.43 The layout of the site is such that it is only likely that the proposed dwelling at plot 3 would impact upon these neighbours' amenity. It has been noted that there is a change in levels within the area, resulting in the aforementioned properties being situated on a lower level than the application site. Nonetheless, there would be a separation distance of ~17.3m from the two storey element of the dwelling at plot 3 to the nearest rear elevation at these neighbours. There would also be a separation distance of ~13.5m from the single storey attached garage at plot 3 to the rear wall of these neighbouring dwellings. As no windows are proposed within the north west facing elevation of the dwelling at plot 3, it is considered that the separation distances in respect of these neighbouring properties are broadly in line with Principle 6 of the Housebuilders Design Guide SPD (i.e. minimum 12m between habitable and non-habitable elevations). Whilst it is noted that there are ground floor windows facing towards these neighbouring properties, views into these neighbours will be adequately screened by boundary treatment. Any future first floor side openings would also need to be obscurely glazed in order to comply with the General Permitted Development Order. It is therefore considered there would be no undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or loss of outlook.

10.44 In terms of overshadowing and overbearing the garden, whilst the site is on higher land, this dwelling at plot 3 would be set off from the shared boundary with these neighbours by ~5.3 metres. When taking this into account with the orientation of the dwelling to these neighbours it is considered that the impact upon these properties would be acceptable with the shading mostly occurring in the afternoon.

1, 3 and 5 Ingdale Drive

10.45 All three plots would back onto the properties at 1, 3 and 5 Ingdale Drive. The plans show appropriate separation distances to be achieved in excess of the guidance as set out within Principle 6 of the SPD. This includes separation distances of at least 22m between the proposed dwelling at plot 3 and no. 1 Ingdale. The plans also show the existing conifers to be retained in which would help create a buffer zone between these neighbours ground floor openings. In addition, the dwellings would be set off from the shared rear boundary by a minimum of ~6 metres at ground floor level and ~7.5 metres at first floor level. Therefore, Officers hold the view that the development is unlikely to have any material overbearing, overshadowing or overlooking impact upon these neighbour's amenity and their outdoor amenity space.

14 Town End Road

10.46 The plans show the blue line boundary to extend to the side of these neighbours. However, this would be free from any built form, along with the nearest dwelling at plot 3, being located at an oblique angle. As such, Officers are satisfied that there would be no undue impact upon their amenity as a result of the development proposed.

Cranborne

- 10.47 It is likely that there would be some impact upon the amenity of the property under the applicant's ownership as a result of the development proposed. However, the plans show at least ~8m to be retained between the nearest elevation at plot 2, to their outdoor amenity space. Therefore, any overbearing, overshadowing and overlooking would not be undue, as the plans show the existing hedging to be retained, which is at least 3m in height.
- 10.48 Given the oblique angle of the dwelling at plot 2 to the dwelling at Cranborne, it is considered that it would not unduly harm to this neighbour in terms of loss of light, loss of privacy or loss of outlook.
- 10.49 In terms of the impact upon Cranborne's existing south west facing side openings, Officers have noted that these would not have a direct relationship with the principal openings proposed within plot 1. This is due to the plans showing additional boundary treatment to be erected along this elevation, including a timber fence and hedging at a height of at least 2.1m. Therefore, given that these openings serve non-habitable and secondary openings, Officers are satisfied that any impact on future amenity would not be undue. This would also protect the amenity of the future occupants of plot 1.
- 10.50 In terms of overbearing and overshadowing, it has been noted that a separation distance of ~11m would be retained from the nearest gable at Cranborne to the two storey front elevation at plot 1. A ~6.5m separation distance would also be retained from Cranborne, to the projecting gable to serve the garage. Therefore, on balance, Officers do not consider any impact to unduly harm these neighbour's amenity.
- 10.51 There would be no significant loss of privacy to the rear garden at Cranborne, as the single storey projecting gable at plot 1, is not proposed to have any openings within its north eastern elevation, with the existing high hedge along Cranborne's southern boundary shown to be retained. Any impact from the first floor openings within Plot 1, would also be limited, as they would be at an oblique angle with Cranborne's rear amenity space. The single storey height and hedge on the boundary would also help prevent this element overbearing the rear garden of Cranborne

Safeguarded Land

- 10.52 As outlined above, the land to the south east of plot 1 is designated as safeguarded land. This means that proposals should not prejudice the possibility of long term development of safeguarded land sites, in accordance with Policy 6 of the Kirklees Local Plan.
- 10.53 In this case, as part of the amendments sought, a greater separation distance has been achieved, from the nearest side elevation of plot 1 to the boundary with the safeguarded land. The plans show three ground floor openings to be inserted into the south eastern elevation of plot 1, all of which would serve non-habitable rooms. Therefore, in order to protect the long term use of this land, Officers are recommending two conditions, one being that all three ground floor openings are fitted with obscure glazing, at a minimum of Grade 4 and the other being to remove permitted development rights for ground floor openings within this elevation. Future first floor side openings would need to be fitted with obscure glazing in order to comply with the GPDO.

10.54 Therefore, in light of the conditions above, Officers consider these reasonable and necessary in order to safeguard the land.

Nuisance

10.55 It has been noted that there would be some impact upon the properties at no's. 2, 4 Clifton Avenue and no's. 22, 24 30, 32 Town End Road, from a noise perspective, due to the intensification of the access land to serve the new dwellings. However, any noise disturbance is unlikely to be material, due to the limited number of dwellings proposed and that this already serves as an access. The proposal is therefore considered to accord with Policy LP52 of the Kirklees Local Plan.

10.56 In terms of construction, Environmental Health Officers have requested a condition regarding construction hours. In this case, due to the small-scale of the proposed development, Officers do not consider this condition necessary or reasonable, with working practices being covered by other legislation. However, an informative would be attached regarding construction practices should permission be granted.

Amenities of Future Occupiers

10.57 In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

10.58 All the dwellings would comfortably exceed the minimum recommended internal floor space standards as specified in the Nationally Described Space Standards, and would provide an appropriate amount of external amenity space for dwellings of the size proposed. As such, Officers consider the proposed dwellings would have a good standard of amenity for future occupants.

10.59 The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), Policy 2(10) of the HVNDP, Principles 6, 16 and 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Highway safety

10.60 Paragraph 111 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* The guidance in Chapter 9 of the NPPF is echoed in Policy LP21 of the Kirklees Local Plan and Policy 11 of the HVNDP

- 10.61 Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.
- 10.62 Kirklees Council Highways Development Management (KC HDM) have been formally consulted as part of the application, whereby the HDM Officer has noted that each dwelling would contain four bedrooms, along with a garage. The garages would be suitable for the parking of one vehicle and would exceed the internal measurements required at 3m in width by 6m in depth as advised within the Kirklees Highways Design Guide SPD. The site plan, whilst amended to include additional soft landscaping in light of Principle 12 of the SPD, would provide sufficient space for the parking of two additional spaces on the driveways. As homes of four or more bedrooms, three off street parking spaces should be provided to accord with the Council's Highways Design Guide SPD and therefore this arrangement is considered acceptable.
- 10.63 Access is to be taken from an unadopted track off of Clifton Avenue, by using the existing driveway for the dwelling at Cranborne, which is presently gated.
- 10.64 Clifton Avenue is ~6.3m in width, allowing for two cars to pass safely, whilst the driveway is approximately ~4.4m in width at the narrowest point. Usually, an access serving two or more dwellings should be a minimum of 4.5m in width so that two vehicles can pass comfortably. However, in this case, drivers will be able to see each other from either side of the section slightly narrower at this point and the existing access is off the main carriageway of Clifton Avenue making it safer for drivers to momentarily wait to enter the site.
- 10.65 Principle 19 of the Housebuilders Design Guide SPD sets out that: *“Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.”*
- 10.66 No details of bin storage and collection have been provided, but it is considered that this could be achieved without resulting in any detriment to highway safety. It is noted that residents would likely have to drag bins some distance in terms of collection, and whilst inconvenient, Officers do not consider that this is a sufficient reason to recommend the application for refusal. Nonetheless, a pre-commencement condition to this effect would be required to ensure that suitable arrangements are achieved and retained. This is to comply with Policy LP24 d(vi) of the Kirklees Local Plan and Principle 19 of the Housebuilders Design Guide SPD.
- 10.67 Furthermore, to provide appropriate space within the site during construction, a condition is proposed to request that the outbuildings are demolished before construction begins.

10.68 In summary, KC HDM do not wish to raise objection to the scheme, however, have requested that in the case of an approval, a condition is added to ensure that the driveway and new areas of hardstanding are finished within a permeable surface. Subject to conditions outlined above, Officers consider that the proposal would not cause detrimental harm to highways safety and would accord with Policies LP21, LP22, LP24 d(vi), LP28 and LP43 of the Kirklees Local Plan, Policy 11 of the HVNDP, Principles 12 and 19 of the Housebuilders Design Guide SPD, the aims of the Highways Design Guide and Chapters 9 and 14 of the NPPF.

Ecology

10.69 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 if 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.

10.70 Policy LP30 of the Kirklees Local Plan and Policy 13 of the HVNDP echo the NPPF in respect of biodiversity. Policy LP30 of the KLP 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.

10.71 Policy LP31 of the KLP sets out that development proposals within the Strategic Green Infrastructure Network should ensure the function and connectivity of green infrastructure networks and assets are retained or replaced.

10.72 The site lies in an area identified as a Bat Alert area on the Council's geographical information system. The site comprises of a well-maintained field which is unlikely to have high ecological potential therefore it is considered harm to protected species is unlikely and that the proposal would not compromise the function and connectivity of the Strategic Green Infrastructure Network.

10.73 However, Policy LP30 of the Kirklees Local Plan, Policy 13 of the HVNDP and Principle 9 of the Kirklees Housebuilders Design Guide SPD set out that proposals should provide net gains in biodiversity. As a consequence, and because the site is identified as being within a bat alert layer, it is considered necessary to condition the provision of a bat and bird box on each dwelling should permission be granted. An advisory note for the removal of hedgerow/trees or shrubs to be carried out between a certain period of the year will also be attached if permission is to be granted.

Flooding and Drainage

10.74 Paragraphs 159-162 of the NPPF and Policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.

- 10.75 In this case, the site is within Flood Zone 1, with the lowest probability of fluvial flooding (less 0.1% chance of flooding any year). However, given the concerns regarding surface water run-off and existing sewage issues within the locality, both KC Lead Local Flood Authority (LLFA) and Yorkshire Water have been formally consulted. Initially, concerns were raised regarding the information provided as the connection could be into a very small diameter pipe serving existing properties. Therefore, a full drainage strategy has been provided by JNP Group Consulting Engineers.
- 10.76 Having reviewed the Drainage Strategy, KC LLFA and Yorkshire Water are in full support of the scheme as it has been designed to limit surface water discharge to 3.5 litres/second as the greenfield run off rates calculated are too low and would cause an increased flood risk associated with blockage due to the size of the orifice within the flow control. The drainage strategy also identifies that the nearest water course to the site is a culverted watercourse at the junction of Town End Road and New Mill Road. The Yorkshire Water sewer within Town End Road appears to discharge into this watercourse. It was also discussed that as the surface water sewer discharges to the watercourse, a connection could be made to the sewer with a restricted rate of 3.5l/s.
- 10.77 With regards to foul sewerage the strategy states that foul sewage from the existing dwelling, Cranborne is conveyed through a network of underground drains towards the 150 mm public combined sewer along Town End Road. Therefore, the existing drainage for Cranborne may have to be diverted due to the development of the three dwellings, which will connect into the foul drain at a suitable location.
- 10.78 If this proves to be a difficult, a new connection to the 150mm combined sewer in Town End Road should be carried out, subject to Section 106 approval, utilising the strip of land to the northwest, leading to Town End Road. However, this would be outside the remit of the current planning application.

Other Matters

Contamination:

- 10.79 KC Environmental Health have been formally consulted as part of this application identifying that the site is considered as being potentially contaminated due to its proximity with an old quarry. Therefore, they have requested that in the case of an approval, full staged land contamination conditions are necessary, to include the initial submission of a Phase 1 report, before development commences. This is in accord with Policy LP53 of the KLP and Chapter 15 of the NPPF. This could be conditioned should permission be granted.

Climate change:

- 10.80 Principle 18 of the Housebuilders Design Guide SPD sets out that new proposals should 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. Proposals should seek to design water retention into proposals.

- 10.81 On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.82 Given the above, and in accordance with the West Yorkshire Low Emissions Strategy, officers would like to see an electric vehicle recharging point installed within the dedicated parking area/garage of each of the dwellings. In this instance, a charging point has been demonstrated on the proposed floor plans for each dwelling. However, the note does not state that the cable and circuitry ratings would ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Therefore, an appropriate condition is proposed should permission be granted to ensure that the charging points are suitable for the development and are installed before the dwellings are first brought into use.
- 10.83 Policy 12 of the HVNDP states that all development is expected to be designed to contribute a number of elements of sustainability, including promoting renewable energy and energy efficient. In this case, integral solar panels are proposed within the rear facing roof slope in order to provide renewable energy for the property. A condition could be attached requesting full details of these and that they are installed prior to the first occupation of the dwellings so that there is compliance with Policy 12 of the HVNDP whilst providing a high-quality finish.

Representations

As a result of the above publicity, 40 representations have been received in objection to the scheme. The comments raised, along with Officer correspondence can be found below.

Visual amenity concerns:

- The proposal is an overdevelopment of a constrained site.
- The recently approved Neighbourhood Plan seeks to ensure that the quality of design of new developments enhances the valley. The proposed development is no more than a computer-generated vision of a generic pastiche of the local vernacular.
- The dwellings would dominate the site.
- The development would be out of character for the area.
- Suggest smaller properties, including the possibility of properties for first time buyers as highlighted in the Parish Council's planning submission for this development.
- The development would have a negative effect on the character of the area and would become a blot in the landscape.

- Single storey/bungalow properties would help alleviate this issue and could provide much needed disabled/affordable homes in the area. Strongly against the construction of such large houses as it will create less light and 'shadow' the houses below the development.
- The orientation is appropriate but the roofscape and massing is still very dominant in relation to adjacent properties.

Officer Comment: These concerns have been noted with amendments were sought to reduce the size and scale of the dwellings, from the application's original submission. A full assessment is set out within the visual amenity section of the committee report.

Highway safety & parking:

- Concerns regarding the use of the land in which adjoins Town End Road, as it might be used for access to the development. This will severely impact on street parking which at the moment is tight. On street parking isn't available from this point up Town End Road because of the constriction in the road.
- The development would have a detrimental increase in traffic volume up a narrow road.
- Slight lines are poor when approaching Town End Road from Clifton Avenue.
- Intensification of Clifton Avenue in which already serves a number of dwellings, therefore the additional properties would exacerbate this issue.
- Cranborne has no street lighting, no pavements and has cars already parked along it by local residents, making turning for larger vehicles including emergency services impossible.
- Impact on pedestrians from the additional traffic especially during the winter months.
- The developer should pay for any damage to Clifton Avenue during construction.
- The applicants, their contractors, and the eventual owners of any buildings should undertake and covenant not to block, obstruct, park or leave unattended at any time any vehicles, plant or machinery on any part of Clifton Avenue.
- Previous Planning Inspectors have dismissed the development of this land from both Town End Road and Clifton Avenue. The council needs to be satisfied that additional vehicles can be accommodated without detriment to highway safety, when Clifton Avenue lacks adopted status and footways.

Officer Comment: The application has been assessed by KC Highways DM, who are in support of the access, internal turning and the level of on-site parking proposed. A swept path analysis has also been displayed to demonstrate that an emergency vehicle (i.e. fire engine) can enter and manoeuvre within the site. To allow with construction, a condition can be attached in the case of an approval to require the demolition of the existing outbuildings in order to create sufficient access and egress into the site.

Residential amenity:

- Overbearing to neighbouring properties.
- Overlooking neighbouring properties.
- A sun path analysis should be provided to consider the impact on residential amenity.
- Due to the change in land levels and the height of the dwellings, they would overshadow the properties below.
- The removal of some of the boundary treatment, will result in less privacy to neighbours.

Officer Comment: These concerns have been noted and a full assessment upon the impact on residential amenity can be found within the above committee report. The proposed boundary treatment plan also displays appropriate boundary treatment, in order to protect future and existing amenity.

Drainage:

- No details to how the drainage would work.
- The hillside between Cranborne/Ingdale Drive and Cliff Road is pockmarked with springs and this already causes run-off problems for the odd numbered properties on Ingdale Drive and the drainage of surface water on Ingdale Drive.
- Run off water from the fields already drains into the gardens and down the centre of Ingdale Drive. This is a concern during winter months, when the water freezes. Therefore, the new building work would only add to these issues.
- The road is already water logged after heavy rain fall and when this freezes it is lethal.
- Proposed buildings would be located on a ground which now acts as a sponge and prevents soaking of buildings located on the Eastern side of Ingdale Drive.
- If Cranborne field is removed and no longer mops up the excess water then it has the potential to create the same issues that Ingdale Drive suffers on Town End Road.
- Despite the Council recently responding by doing some work on the road drain the issue is not resolved and the water still fails to go down the drain.
- Development is massively concrete or impermeable with huge drives as a part of this and only a relatively small amount of permeable (garden).
- The planning proposal says it will use the existing water course for surface water and the drainage strategy that was commissioned says it can connect to the existing system from the nearby Cranborne but the existing system does not stop water flowing onto Ingdale Drive.
- Concerns regarding where the sewer system will be routed to.
- Existing issues with the current drains for sewerage.
- Concerns regarding the findings of the drainage strategy, which should be discussed with Yorkshire Water.
- Although considered a small development that may not meet normal statutory obligations for consultation regards flood risk, with the knowledge of current resident issues and concerns regards new developments on this hillside, it would be appreciated if the LPA would consult YW for advice on these risks.

- The plans have not been altered to amend the sewage outlet.
- If approved, the scheme should be drained as per the revised JNP drainage details.
- Concerns regarding the findings of the JNP reports both with regards to surface water and sewerage.

Officer Comment: These concerns have been noted and therefore a Drainage Strategy has been requested. This was submitted by JNP group. Having reviewed this document both the Council's Lead Local Flood Authority and Yorkshire Water are in support of the scheme, subject to the development being constructed in accordance with the aforementioned document.

Biodiversity:

- The proposals offer no discernible net gain in relation to the adopted policy on 10% biodiversity net gain, and ecological protection.
- The design and access statement is also silent with regard to the 'quality places' SPD documents and design codes. This site bears witness to bats and owls and proposals to reduce the enclosure trees and boundaries would significantly reduce this habitat opportunity.
- Concerns about the potential loss of natural habitat for local wildlife and the impact this development could have on a protected species. It has been observed in spring/summertime bats flying in the vicinity which are a protected species.
- Concerns that a green field site is being used for the development and this will result in the loss of more existing natural habitat through very substantial coverage with hard surface and little, if any landscaping.

Officer Comment: These comments have been noted and a full assessment upon the impact on ecology can be found within the above report, whereby Officers are requesting bat and bird boxes for each dwelling in order to provide a biodiversity net gain. There is currently not a mandatory requirement to demonstrate at least 10% biodiversity net gains for such development at the time of writing.

General concerns:

- Noise disturbance (suitable working hours should be conditioned).
Officer Comment: It is not considered necessary to condition the appropriate working hours nor request a construction and environmental management plan, given the limited number of dwellings proposed. However, a note would be attached to the decision notice to outline the appropriate hours of construction. Should this be ignored and result in a statutory nuisance, then the Council's Environmental Health department should be contacted.
- The plans show fencing to be replaced, however, there is no fencing as existing.
Officer Comment: This has been noted and therefore in this case, a new fence would be erected on the land identified in red within the application form.

- Concerns regarding contaminated land.
Officer Comment: This has been noted, with Environmental Health Officers requesting land contamination conditions in which will need to be discharged before development can commence. This is to protect future and existing residential amenity.
- There have been previous planning applications for this land in which have been refused.
Officer Comment: This has been noted, but each case should be assessed on its own merits and these applications were assessed under a different policy context.
- Concern regarding the blue line boundary.
Officer Comment: The blue line boundary shows land in which the applicant owns, which they do not wish to develop as part of this application.
- Boundary treatments are plotted in positions which indicate the inclusion of third-party garden land and new fencing on Town End Road and Ingdale Drive.
Officer Comment: Planning permission does not override any private legal matters in terms of land ownership.
- The whole plan is inappropriate, it would be a cul-de-sac, very unhelpful for pedestrian services like the postman.
Officer Comment: This has been noted, however, is not material planning consideration.
- Although additional planting of trees adjacent to boundary fences is welcome to encourage natural habitats, careful consideration should be given to whose responsibility it is for future maintenance and the impact of loss of light from shade to neighbouring properties.
Officer Comment: This would be a private legal matter outside of the realms of planning. It should be noted that the planting proposed would appear to be within the curtilage of the proposed properties.
- Permitted development rights should be removed in the case of an approval.
Comment: This has been noted, but Officers consider that removing permitted development rights in this instance would not meet the six tests for imposing planning conditions as set out in the NPPF
- Do not give permission for a fence to be removed or replaced which is on own property.
Comment: Planning permission does not override any private legal matters in terms of land ownership.

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 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. 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. Notwithstanding details provided, samples of stone for the external walls of the dwellings to be approved prior to the construction of dwellings above slab level.
4. Notwithstanding the details submitted, samples of the grey roof tiles of the dwelling to be approved prior to the construction of the dwellings above slab level.
5. Hard and soft surfacing of the site, including boundary treatments, in accordance with the Proposed Boundary Treatment Plan (064-21-PL08 Rev C) prior to the first occupation of the dwellings.
6. Notwithstanding the details submitted, full design details of the solar panels to be approved prior to the construction of the roof of any of the dwellings and provided in accordance with approved details prior to the first occupation of the dwellings.
7. Prior to construction of the dwellings above slab level, the existing outbuildings shall be demolished.
8. Ground works shall not commence until a Phase 1 report has been submitted to and approved in writing by the LPA.
9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the LPA.
10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report, groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the LPA.
11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy.
12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority.
13. Development to be in accordance with the Drainage Strategy B24698-JNP-92-XX-RP-C-1000 (P02) prepared by JNP Group, dated 06/05/2022", unless otherwise approved in writing with the Local Planning Authority.

14. The electric vehicle recharging points shall be installed within the dedicated parking area of each of the approved dwellings prior to the first occupation of these dwellings and shall be a minimum output of 16A/3.5kW).
15. All external vehicle parking areas and hardstanding shall 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)' before the dwellings to which they relate are first occupied.
16. Prior to development commencing above slab level, details of bin storage and collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided in accordance with approved details prior to the first occupation of the dwellings.
17. One bat box and one bird box shall be incorporated into each dwelling hereby approved; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light, at least 5 metres above ground.
18. Removal of permitted development rights for future ground floor openings within the south eastern facing side elevation of plot 1.

Background Papers:

[Link to application details](#)

Website link - <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/94569>

Certificate of Ownership –Certificate B has been signed

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Oct-2022

Subject: Planning Application 2022/91620 Erection of extensions creating first floor to existing bungalow, internal and external alterations 2, Town End Avenue, Wooldale, Holmfirth, HD9 1QW

APPLICANT

M Brodie

DATE VALID

11-May-2022

TARGET DATE

06-Jul-2022

EXTENSION EXPIRY DATE

24-Oct-2022

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: Holme Valley South

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 the Huddersfield Planning Sub-Committee for determination due to the significant level of representations received which are contrary to the officer recommendation. This is in accordance with the Council's Scheme of Delegation set out in the Constitution.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to 2 Town End Avenue, Wooldale, a detached bungalow, designed with a dual pitched roof. The dwelling benefits from an existing side extension on the roadside/south and detached garage to the rear of the site. Materials consists of brickwork and tiles to the roofs. Due to the dwelling's orientation within the site, officers consider the principal elevation to be to the south east. The site is surrounded by a wrap around garden, along with a large driveway to the south-west/west. Pedestrian and vehicular access can be taken from the southern boundary onto Town End Avenue. Boundary treatment consists of hedging and timber fencing.

2.2 The site is situated within a wider residential area, whereby the neighbouring properties vary in design and form. The site is unallocated on the Kirklees Local Plan, however the northern boundary is adjacent to Wooldale Conservation Area. The site is within the Strategic Green Infrastructure Network.

3.0 PROPOSAL:

3.1 The applicant is seeking permission for the raising the height of the roof, front and rear dormers and a single storey side extension. The roof would be raised by a maximum of ~0.8m. The measurements of the front gable dormer would be ~5.1m in width, ~3.9m in depth and ~2.3m in overall height. Alongside this, the rear dormer measures ~7.8m in width, ~3.9m in depth and ~2.2m in overall height. The side extension would replace the existing side extending element to the south and would be ~2.3m in projection, ~8.8m in depth (with front and rear walls flush with the side walls of the dwelling), ~2.9m in height to the eaves and ~5.7m in overall height. Its footprint would match the existing extension, which would be demolished as part of this application.

- 3.2 The extensions would be constructed from brickwork, with the existing tiles being deep cleaned and retained. The dormers would be constructed from a dark brown timber clad to match the colour of the roof tiles. Existing windows would be replaced with timber frames to match those proposed.
- 3.3 To the rear, the detached garage would remain as existing, but would be rendered. This would be within a cream/off white colour.
- 3.4 On-site parking would be retained on the existing driveway and within the garage.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

None at the application site.

4.2 Neighbouring properties:

- 2019/92144 – Erection of two storey rear extension and raising the roof – Granted (4 Town End Avenue).
- 2017/94007 – Erection of extensions and alterations – Refused (4 Town End Avenue).
- 2005/91517 – Erection of conservatory – Granted (4 Wooddale Road).
- 2003/94140 – Erection of rear third floor extension with two rooflights to the front (within a Conservation Area) – Granted (78 Town End Road).
- 2000/90513 – Formation of pitched roof to front dormer – Granted (2 Wooldale Road).

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

- 5.1 Officers have entered into discussions with the agent and applicant given concerns with the bulk and massing proposed by creating an additional storey to the existing bungalow. As such, amendments have been sought to show only the roof being heightened, with front and rear dormers in order to achieve the appropriate internal living space required. Amendments have also been sought to the finish of the dormers and the fenestration proposed. As such, final amended plans were received on 3rd October 2022, which on balance, addressed the concerns by Officers.

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).

The site is unallocated on the Kirklees Local Plan, but the site is within the Strategic Green Infrastructure Network and adjacent to Wooldale Conservation Area.

6.2 Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and Geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP35** – Historic Environment
- **LP51** – Protection and Improvement of Local Air Quality

6.3 Supplementary Planning Guidance / Documents:

- House Extensions and Alterations SPD
- Highways Design Guide SPD

6.4 Neighbourhood Development Plans:

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

Therefore, the policies most relevant to the determination of this application are:

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 11 – Improving Transport, Accessibility and Local Infrastructure
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 4 – River Holme Settled Valley Floor as identified with the neighbourhood plan.

Key landscape characteristic of the area are:

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities

Key built characteristic of the area are:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments

6.4 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **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

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised via site notice, neighbour notification letters and the press.

Final publicity expired: 23rd September 2022.

As a result of the above publicity 16 representations have been received, all objecting to the application. A summary of the concerns raised are as follows:

Visual amenity:

- The part of the Avenue where the property is located was built in the 1960s and the properties have a characteristic style, being built principally of brick with stone detailing to some of the front facades.
- There is one property which the application refers to, however this is at odds with neighbours and therefore should not lead to a departure from the original style of the estate.

- Extending number 2 up a storey will create a sudden marked increase in building height. This will not only look incongruent but will seem like a three storey building to the properties immediately next door.
- The dwelling would be out of character.
- The approved development at no. 4 Town End Avenue should not set a precedent.
- Loss of character to the adjacent Conservation Area.
- In this locality the properties are bungalows constructed of brick. Development of the house in question as submitted would result in a largely rendered exterior which no doubt would be painted white or pastel shades which would be out of keeping with the area.
- There is existing development that sticks out.
- With the additional building height and windows this development would certainly be dominating the nearby buildings, where to some extent the existing bungalow already dominates. As a result, the development would conflict with the pattern of development, create a poor relationship with adjoining buildings and be visually damaging in the landscape or in the setting of the estate.
- Extending number two will alter the staggered roofline on that side of Town End Avenue.
- The bi-folding doors on the eastern elevation are still too large.
- The new footprint brings the two storey building line closer to the road and includes dormer windows.
- the roofline has been reduced in height but the visible profile of the building has been broadened with the addition of dormers to the west and east elevations. This increases the intrusive element of adding an extra storey to the existing bungalow.
- Using the building line of the current low rise extension to the south elevation and taking the proposed wall up to two storeys will make for a much more dominating façade looking over Town End Avenue.
- The bricks are of an imperial size, manufactured by a now defunct brickworks. This will result in large areas of incongruous render.
- There is still a substantial rise in the height of the ridge of the roof which is rather vague on the drawings, and which is unacceptable, particularly as in these plans, large dormers have now been included.
- The small improvement by the reduction in height is completely negated by the addition of the large dormers to the east and west aspects.
- The addition of any additional first floor configuration to this bungalow on its small plot is out of keeping with the bungalows and dormer bungalows in this part of the Town End Avenue development.

Residential amenity:

- The latest proposal would continue to dominate existing properties on Wooldale Road and Town End Road with a possible reduction in light to those houses.
- Loss of light to both neighbouring properties and their gardens.
- Substantial impact on neighbouring amenity from the additional volume and footprint increase.
- Overshadowing to neighbouring amenity by the increased bulk and massing.

- All boundaries are very close to the building and the properties on Wooldale Road and Town End Road will suffer loss of light to gardens and living rooms. As many are built to a lower level due to the lie of the land, this will be oppressive.
- Overlooking (and loss of privacy) to neighbouring properties, especially due to the change in land levels.
- Overlooking from the dormers.
- The amended plans would not overcome the impact on neighbouring amenity.
- The amended plans have not addressed concerns and the development would still significantly overshadow neighbouring amenity.

Highway safety:

- Town End Avenue is not a wide road and a larger house with 2 or 3 cars plus visitors would cause problems close to the junction with Town End Crescent.
- The parking provision will not be increased. A four bedroomed family home will potentially generate the need for more parking and more accessible parking.
- The site is located on a bend and therefore off-street parking is essential.
- Building sites mean increased number of larger vehicles for prolonged periods and therefore this could affect access and highway safety.
- This will be dangerous for emergency services.
- Heavy goods vehicles, noise and mess are inevitable during building work and the site will be at a key junction which is the only access to the estate.
- The plans do not include extra parking but a family may own multiple cars. Two off road car parking spaces is insufficient.

General concerns:

- The photographs within the plans are out of date and do not reflect the correct boundary treatment around the application site.
- True bungalows are in short supply in the Holme Valley so to lose another affordable property is regrettable.
- Oppose the conversion of a bungalow into a two storey house, skewing the housing stock and reducing the supply of sought after bungalows.
- A lot of the detail outlining how the finished property would look is vague on the plans. Namely rendering of a colour yet to be decided and matching brickwork if possible.
- Concerns are raised by Holme Valley Parish Council in terms of the over-intensification of the site.

7.2 As outlined above, amended plans have been sought to reduce some of the bulk and massing proposed. This has led to the removal of the second floor and the slight increase in the ridge height, along with front and rear dormers. Given that the works would be material to the original plans, Officers considered it necessary to re-advertise the application via a 21 day neighbour notification letter.

- 7.3 Holme Valley Parish Council: Oppose on the basis of over-intensification of the site.
Officer Comment: This has been noted and addressed in the below Officer assessment.

8.0 CONSULTATION RESPONSES:

- 8.1 None considered necessary.

9.0 MAIN ISSUES

- Principle of Development
- Visual Amenity (including historic environment assessment)
- Residential Amenity
- Highway Safety
- Other Matters
- Representations

10.0 APPRAISAL

Principle of Development

- 10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 10.2 Policy LP1 of the Kirklees Local Plan goes on further to state that: *“The Council will always work proactively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.*
- 10.3 In this case, it has been considered that the principle of development could be acceptable subject to the assessment of impacts on visual and residential amenity and highway safety, as well as other material considerations relevant to this case. This will be discussed by Officers below.

Visual Amenity

- 10.4 Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP24(c) of the Kirklees Local Plan states these should be ‘subservient to the original building’ and ‘in keeping with the existing building in terms of scale, materials and details.’

- 10.5 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well-designed plans) where paragraph 126 provides an overarching consideration of design stating that: *“the creation of high-quality buildings and places are 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.”* Paragraph 130 of the NPPF states that planning decisions should ensure developments are sympathetic to local character, including the surrounding built environment.
- 10.6 Policy 1 of the HVNDP relates to protecting and enhancing the landscape character of Holme Valley, and states that: “All development proposals should demonstrate how they have been informed by the characteristics of the Landscape Character Area (LCA) in which they are located”. The Policy goes on to note that proposals should be designed in accordance with the character and management principles in respect of landscape set out for each LCA in order to avoid detrimental impact on the LCA. This Policy also notes that a full hard and soft landscaping scheme is to be submitted with all planning applications for new buildings.
- 10.7 Policy 2 of the HVNDP relates to protecting and enhancing the built character of the Holme Valley and promoting high quality design. Policy 2 notes that proposals should be designed in accordance with the management principles for each LCA in respect of built character in order to avoid detrimental harm to the LCA.
- 10.8 With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:
- Principle 1 – that: *“extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”*
 - Principle 2 – that: *“extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”*
- 10.9 Section 5 of the House Extensions and Alterations SPD also provide guidance for specific types of extensions and alterations which will be referred to.
- 10.10 In this case, it has been noted that the roof on the existing dwelling would be heightened, along with the insertion of front and rear dormer windows. The existing side extension will also be demolished and replaced.
- Raising the height of the roof and dormer windows*
- 10.11 Section 5.4 of the Householders Extensions and Alterations SPD provides advice on 'dormer windows and roof extensions'
- 10.12 Paragraph 5.24 of the House Extensions and Alterations SPD states that *“Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical”*.

- 10.13 Paragraph 5.25 further adds that: *“The design of 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. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained.”*
- 10.14 Paragraph 5.26 outlines that: *“To assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street. Traditional vertical dormer windows usually complement the character and roof pitch of the existing house and will normally be acceptable... Modern flat roof dormers may be considered acceptable if they are well-designed, small in scale and appearance and are characteristic of the street scene.”*
- 10.15 Lastly paragraph 5.27 states that: *“Dormer windows should:*
- *relate to the appearance of the house and existing roof;*
 - *be designed in style and materials similar to the appearance of the existing house and roof;*
 - *not dominate the roof or project above the ridge of the house;*
 - *be set below the ridgeline of the existing roof and within the roof plane; and*
 - *be aligned with existing dormer windows on neighboring properties in the same roof plane where relevant.”*

10.16 The locality is predominantly characterised by bungalow dwellings, albeit, some of chalet style with flat dormer windows. Thus, raising the roof of the dwelling has the potential to result in a more dominant building within the streetscene. However, the ridge height would only be increased by a maximum of 0.8m, and by virtue of this, the height of the dwelling would still be significantly lower than the neighboring property at no. 4 Lower Town End Avenue which has recently been extended upwards. In addition, whilst not technically subservient, the increase in height would be a relatively small one and the extension would continue with the existing dual pitched design. This development would also still allow for the natural decline/staggered in built form from the south west to the north east.

10.17 Officers have noted that the proposed dormers would be relatively large in size and scale, especially the one proposed to the rear and this would add to the overall bulk of the roof extension. However, the plans show the rear dormer to be set in ~1.5m from each side elevation to help reduce the overall bulk. Discussions have also been held to amend the design of the dormer to a flat roof in order to take away some of the bulk and massing and to keep in with those that exist within the street scene. However, the agent has confirmed that this would only add to the massing and that the pitched roofs would be more aesthetically pleasing, as they would keep in with the style and character of the host dwelling. Officers would have preferred for a flat roof dormer to the rear to reduce the bulk, but given the presence of dormers in the streetscene, and that the proposed rear dormer would be set off from the side walls to help reduce its massing, Officers consider on balance this dormer could be acceptable in terms of its scale.

- 10.18 As identified within paragraph 10.12, the House Extensions and Alterations SPD states that front dormers can be supported, as long as they are well designed, small in scale and are a characteristic within the wider street scene. Therefore, in this case, it has been noted that front dormer windows are a common feature within the immediate landscape. In addition, whilst the front dormer would be of gable design, it would be of a shallow pitch and this dormer would also be set up from the eaves and set off some distance from the side walls of the dwelling reducing its overall mass.
- 10.19 Materials would be dark timber boarding, to keep in with the roof tiles on the host property. This would help alleviate any wider visual concern and would allow the development to harmonise with the existing built form and Policy 2 of the Holme Valley Neighbourhood Development Plan.
- 10.20 Thus, whilst the proposal to increase the roof height along with front and rear dormers would increase the scale and massing of the dwelling, it is considered, on balance, that this would not result in detrimental harm to the visual amenities of the locality.

Single storey side extension

- 10.21 Section 5.3 of the House Extensions and Alterations SPD relates to side extensions. Paragraph 5.15 of the aforementioned SPD states that: *“Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.”*
- 10.22 More specifically, paragraph 5.17 outlines that: *“Single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:*
- *not extend more than two thirds of the width of the original house;*
 - *not exceed a height of 4 metres; and*
 - *be set back at least 500mm from the original building line to allow for a visual break.”*
- 10.23 The proposed single storey extension would project off a side wall, but this side wall also fronts a highway, therefore it is also considered relevant to refer to the guidance for front extensions within this SPD too, contained within Section 5.2. Paragraphs 5.13 and 5.14 of this note the following:

“Front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable.

Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- *The house is set well back from the pavement or is well screened; and*
- *The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and*

- *The materials and design match the existing features of the original house; and*
- *The extension would not unreasonably affect the neighbouring properties.”*

- 10.24 The proposed extension as shown on the submitted plans, would have the same footprint as the one currently in situ thereby it would not extend any closer to the pavement than the existing dwelling. It would not extend more than two thirds of the existing house however, it would exceed an overall height of 4m. This is to allow the built form to be a continuation of the existing, in order to create the internal accommodation proposed. This would include a dual pitch roof and matching eaves height. Therefore, whilst the advice is that the extension should be set back 0.5m from the original building, Officers do not consider the built form to result in any undue visual impact, nor terracing affect, and that it would result in a more cohesive finish in this instance. Therefore, for these reasons, the side extension is considered compatible with the existing dwelling in terms of scale and form, and would not dominate the streetscene.
- 10.25 In terms of materials, the extension would be constructed from matching brickwork with a tiled roof. Such materials are considered acceptable by Officers.
- 10.26 With regards to fenestration, the plans show two windows to be inserted into the side elevation and one to be inserted into the rear elevation. The design of the side openings has been considered acceptable, as they would match those that exist on the host dwelling. The rear opening would on the other hand be smaller, as it would serve an en-suite. However, due to its location to the rear elevation, this opening would not be widely visible from public vantage points.
- 10.27 Lastly, with regards to rendering the garage, Officers acknowledge that this addition would introduce a new material to the application site however, similar examples of render can be found at the adjacent residential property no. 4 Lower Town End Avenue. Therefore, Officers consider that due to its somewhat hidden location to the rear of the site and that the garages secondary appearance to the host dwelling, any visual concerns would not be undue.
- 10.28 Nonetheless, it is considered reasonable to condition the finish of the render, in the case of an approval, with an off white/cream colour being the most appropriate.
- 10.29 Cumulatively, the extensions would result in a large addition to the existing dwelling. That being said, the extensions together, on balance, are not considered to overdevelop the site and would harmonise to an acceptable degree with the wider street scene. This would also ensure that the majority of the site’s outdoor amenity space is retained.

Historic Environment

- 10.30 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

- 10.31 Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.
- 10.32 Furthermore, Policy LP35 of the Kirklees Local Plan states that: *“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.”*
- 10.33 Alongside the above the application has been assessed by the impact it would have on the significance of Wooldale Conservation Area. In this instance, it has been noted that the additional development would be constructed from matching materials and would be of an acceptable design and form to keep in with the architectural merits of the host property. Given this, and the relatively modest scale of the extensions within a residential estate, Officers are satisfied that there would be no harm to the significance of this conservation area in accordance with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.
- 10.34 Therefore, having taken into account the above, it has been considered that the proposal would harmonise, to an acceptable degree, with the host property, the surrounding development and the wider street scene, and would prevent harm to the significance of the Wooldale Conservation Area, complying with Policies LP24 and LP35 of KLP, the aims of the Council’s House Extensions and Alterations SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the NPPF.

Residential Amenity

- 10.35 Section B and C of LP24 states that alterations to existing buildings should:
- “...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*
- 10.36 Policy 2(10) of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.
- 10.37 Further 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.
- 10.38 The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal’s impact on residential amenity. These include:
- Principle 3 - that *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
 - Principle 4 - that *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”*

- Principle 5 - that “*extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.*”
- Principle 6 - that “*extensions and alterations should not unduly reduce the outlook from a neighbouring property.*”
- Principle 7 - that “*extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.*”

10.39 In terms of Principle 7, the majority of the garden surrounding the site would be retained and Officers consider this of a good size for a dwelling of this scale.

10.40 The impact of the development on each of the surrounding properties most likely to be impacted by the proposal will be assessed in turn below

4 Wooldale Road

10.41 4 Wooldale Road is the neighbouring property to the East of the application site on lower land. It has been assessed that there would be some additional impact upon the amenity of this neighbour, from the additional bulk and massing proposed. However, given the orientation of this property with the application site and no. 4's main private outdoor amenity space being to the North/North East, Officers are satisfied that any additional overbearing and overshadowing impact would not be undue. There would also be a separation distance of ~15m to the nearest openings within the flat roof extension at these neighbours, which would also help mitigate some of the impact.

10.42 In terms of loss of privacy, Officers are satisfied that there would be no undue loss of privacy to these neighbour's side openings given the aforementioned separation distance and the fact that the first floor windows would not directly face these openings due to the change in levels. Within the front elevation of the host dwelling, bi-folding doors are proposed. It has been noted that this opening would not have a direct relationship with these neighbours, along with the fact that the works are likely to fall under the remit of permitted development and therefore could be installed without acquiring formal planning permission. Whilst the first floor windows would allow for views over the driveway and front garden of No.4, as noted before the main private garden is to the rear of No.4 and it is not considered the views would be significantly different from those already gained within the east elevation of No.4.

10.43 Lastly, the side extension would be located to the southern side of the host dwelling and would be on the same footprint as the existing extension being set away from the shared boundary. Due to its location, it is considered that it is unlikely to result in any undue impact to these neighbour's amenity.

10.44 As such, Officers consider the relationship between these dwellings to be acceptable.

2 Wooldale Road

- 10.45 2 Wooldale Road is the residential dwelling to the north east (side) of the host property. Due to the significant changes in levels within the wider vicinity, it has been noted that these neighbours are situated on a lower level. Having undertaken the site visit, it has also been noted that there is a close relationship between these neighbours, with their first floor rear openings (within a flat roof dormer), being at a lower level than the blank gable at the application site.
- 10.46 Officers held significant concerns with the original proposal for a larger roof extension by virtue of the impact it would have on these neighbour's amenity and therefore amendments were sought. These included only heightening the the ridge by a maximum of 0.8m, along with the erection of front and rear dormers. In this instance, Officers consider that the bulk and massing from the dormer windows would not have a material impact upon these neighbour's amenity, due to their inset from the side boundary and orientation within the site. The heightening of the roof and the installation of additional courses of brickwork would however have some impact.
- 10.47 Nonetheless, Officers, do not consider this would cause undue harm to the amenity of this neighbour in terms of loss of outlook, overshadowing, loss of light or the creation of an overbearing effect, when taking into account the existing relationship, as the majority of the impact would already come from the existing side gable. Therefore, for the reasons outlined above, Officers do not consider the minor height increase to detrimentally impact these neighbour's amenity.
- 10.48 In terms of overlooking, the submitted plans show no new windows to be inserted into the north eastern facing side elevation, which will help protect these neighbours amenity. This is to comply with Policy LP24 of the KLP and Principle 3 of the SPD. Future first floor side openings would need to be obscurely glazed in order to comply with the GDPO. The first floor windows within the dormers would be set at an oblique angle to the rear garden and rear windows of No.2, thereby preventing undue overlooking and loss of privacy.
- 10.49 With regards to the impact on these neighbour's outdoor amenity space, it appears that the majority of the impact will come from the change in levels, boundary treatment and existing dwelling, with these neighbours also benefitting from a front and side garden, in which would not be unduly impacted by this proposal. As such, the impact upon no. 2's outdoor amenity space is considered acceptable by Officers.
- 10.50 Therefore, on balance, this relationship can be supported.

78, 80 and 82 Town End Road

- 10.51 78, 80 and 82 Town End Road are the row of terraces to the north west of the application site. It has been noted that the existing separation distance of 15m being retained to the nearest elevation at no. 82. Therefore, whilst there would be some additional bulk and massing within the application site, due to the development proposed, Officers are satisfied that any overbearing impact would not be detrimental. There may also be some additional overshadowing, however, this would only be noticeable within a morning and given the separation distance highlighted above, Officers consider that any impact would not be undue.

- 10.52 Any overshadowing to these neighbours' outdoor amenity space is already likely to come from the change in levels and therefore the works would not materially add to this.
- 10.53 With regards to overlooking, the rear dormer would not propose a direct relationship with these neighbours' rear openings or gardens and therefore, any outlook would be at an oblique angle.
- 10.54 Lastly, the submitted plans show the detached outbuilding to retain as existing (in terms of footprint and height), with the only external alteration being its finish. Therefore, the impact upon these neighbours' amenity has been considered acceptable.

4 Town End Avenue

- 10.55 4 Town End Avenue is the neighbouring property to the west of the application site and on higher land to the application site. It has been noted that the separation distance between these neighbours would be retained, however, the development proposes to intensify the built form within the roof space.
- 10.56 Having undertaken the site visit, it has been noted that there are two ground floor windows within these neighbour's eastern elevation, which would be impacted by the bulk and massing proposed. However, having reviewed the planning history for this site, the windows appear to serve as a secondary window to a cloak room and to a utility (i.e. non habitable rooms). As such, it is considered that any additional bulk and massing would not result in a detrimental impact to these neighbour's amenity in terms of loss of outlook or loss of light.
- 10.57 The side extension would also have a similar footprint to the existing and therefore would maintain the existing separation distance between these neighbours and it is considered even though it would be of a larger height, it would not have a materially greater impact on No.4 in terms of loss of light or outlook.
- 10.58 In terms of loss of privacy from the windows proposed within the rear dormer, these would only have an outlook onto no.4's blank first floor side elevation and therefore would not result in any significant loss of privacy. Ground floor openings would also be obscured to some degree, by the existing boundary treatment and change in levels. As such, there would be no direct relationship.
- 10.59 The garage would also be retained in terms of its overall size and scale.
- 10.60 As such, having taken into account the above, Officers are satisfied that the development would not result in undue harm to No.4 in terms of loss of privacy or overlooking, loss of outlook, loss of privacy, overshadowing, or the creation of an overbearing effect.

1 Town End Avenue

- 10.61 1 Town End Avenue is the neighbouring property to the south of the application site. A separation distance of approximately 20m would be retained to the principal elevation at these neighbours, including a highway. Given this, the relatively minor increase in height, and that no first floor windows would directly face towards No.1, it is considered that there would be no detrimental overbearing, overshadowing or overlooking as a result of the bulk, massing and openings, contained with the extensions proposed.
- 10.62 In summary, the proposal would have an acceptable impact on residential amenity and would be compliant with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF in respect of residential amenity, as well as Principles 3-7 of the House Extensions and Alterations SPD.

Highway safety

- 10.63 Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant, as is Policy 11 of the HVNDP, and these seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.64 Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.
- 10.65 The proposal would result in the dwelling accommodating 3 bedrooms, and the Kirklees Highway Design Guide states that 3 bedroomed dwellings should provide 2 off-street parking spaces.
- 10.66 In this case, the garage to the rear of the site would be retained in which is considered suitable for the parking of one vehicle, in line with the Council's guidelines. The existing hardstanding/driveway to the south west of the host dwelling would also be retained. This would be adequate for the parking of at least three further vehicles in a tandem formation. This type of parking is common along Town End Avenue and is a similar scenario to existing at the site. Therefore, no concern has been raised from a parking perspective.
- 10.67 Principle 16 of the SPD states that extensions and alterations should maintain appropriate storage arrangements for waste. It is considered that the existing waste arrangements would not significantly alter as a result of the proposal.
- 10.68 Having taken into account the above, it has been considered that an acceptable level of parking could be achieved, as existing, without acquiring additional levels of hard surfacing. Therefore, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the HVNDP, Chapter 9 of the NPPF, Principles 15 and 16 of the House Extensions and Alterations SPD and the guidance within of the Council's Highways Design Guide SPD.

Other Matters

Climate change

- 10.69 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.
- 10.70 Policy 12 of the HVNDP outlines that all development is expected to be designed to be energy efficient.
- 10.71 Principles 8-11 of the House Extensions and Alterations SPD relate to planning for climate change. Of note:
- Principle 8 (Energy Efficiency) states: *"Extensions and alterations should, where practicable, maximise energy efficiency."*
 - Principle 9 (Construction Materials) states: *"Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible."*
 - Principle 10 (Renewable Energy) states: *"Extensions and alterations should consider the use of renewable energy."*
 - Principle 11 (Water Retention) states: *"Extensions and alterations should consider designing water retention into the proposals."*
- 10.72 In this case, due to the nature of the proposal, it is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extensions would be finished in brickwork which is a local material, that could be easily sourced and recycled. The works would also help aid passive solar gain, but the introduction of additional openings and would be built to modern specifications to ensure thermal efficiency.

Biodiversity

- 10.73 Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Holme Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats. Principle 12 of the House Extensions and Alterations SPD (Biodiversity) states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

- 10.74 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.75 In this case, whilst the site is not within a bat alert layer on the Council's internal database, the works would involve raising the eaves height and the overall roof. As such, careful attention was paid when undertaking the site visit, for evidence of bat roost potential. In this case, the property appears well sealed around the eaves and therefore is unlikely to be suitable for roosting bats. Nonetheless, in the case of an approval, a cautionary note would be attached to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Policy LP30 of the KLP and Chapter 15 of the NPPF.
- 10.76 Notwithstanding the above, the site is also located within a Strategic Green Infrastructure Network and therefore, Officers consider it necessary to seek biodiversity enhancements. Therefore, in the case of an approval, Officers would be looking to attach a condition to the decision notice requiring a bat box to be installed within the exterior of the side extension. This is to accord with Policies LP30 and LP31 of the Kirklees Local Plan, Principle 13 of the HVNDP, Principle 12 of the SPD and Chapter 15 of the NPPF.

Representations

- 10.77 As a result of the above publicity, 16 representations have been received, all objecting to the application. A summary of the concerns, along with officer correspondence are as follows:

Visual amenity:

- The part of the Avenue where the property is located was built in the 1960s and the properties have a characteristic style, being built principally of brick with stone detailing to some of the front facades.
- There is one property which the application refers to, however this is at odds with neighbours and therefore should not lead to a departure from the original style of the estate.
- Extending number 2 up a storey will create a sudden marked increase in building height. This will not only look incongruent but will seem like a three storey building to the properties immediately next door.
- The dwelling would be out of character.
- The approved development at no. 4 Town End Avenue should not set a precedent.
- Loss of character to the adjacent Conservation Area.
- In this locality the properties are bungalows constructed of brick. Development of the house in question as submitted would result in a largely rendered exterior which no doubt would be painted white or pastel shades which would be out of keeping with the area.
- There is existing development that sticks out.

- With the additional building height and windows this development would certainly be dominating the nearby buildings, where to some extent the existing bungalow already dominates. As a result, the development would conflict with the pattern of development, create a poor relationship with adjoining buildings and be visually damaging in the landscape or in the setting of the estate.
- Extending number two will alter the staggered roofline on that side of Town End Avenue.
- The bi-folding doors on the eastern elevation are still too large.
- The new footprint brings the two storey building line closer to the road which includes dormers.
- The roofline has been reduced in height but the visible profile of the building has been broadened with the addition of dormers to the west and east elevations. This increases the intrusive element of adding an extra storey to the existing bungalow.
- Using the building line of the current low rise extension to the south elevation and taking the proposed wall up to two storeys will make for a much more dominating façade looking over Town End Avenue.
- The bricks are of an imperial size, manufactured by a now defunct brickworks. This will end up resulting in large areas of incongruous render.
- There is still a substantial rise in the height of the ridge of the roof which is rather vague on the drawings, and which I feel is unacceptable, particularly as in these plans large dormers have now been included.
- The small improvement by the reduction in height is completely negated by the addition of the large dormers to the east and west aspects.
- The latest proposal would continue to dominate existing properties on Wooldale Road and Town End Road with a possible reduction in light to those houses.
- The addition of any additional first floor configuration to this bungalow on its small plot is out of keeping with the bungalows and dormer bungalows in this part of the Town End Avenue development.

Officer Comment: A full assessment upon the impact on visual amenity has been undertaken and addressed in detail within the committee report. Whilst the comment regarding the brick manufacturer being no longer operational is acknowledged, Officers would only expect to see that the brickwork is matching in its appearance, and this has also been recommended as a condition.

Residential amenity:

- Overlooking (and loss of privacy) to neighbouring properties, especially due to the change in land levels.
- Overshadowing to neighbouring amenity by the increased bulk and massing.
- The amended plans have not addressed main considerations and the development would still significantly overshadow neighbouring amenity.
- Loss of light to both neighbouring properties and their gardens.
- Substantial impact on neighbouring amenity from the additional volume and footprint increase.

- All boundaries are very close to the building and the properties on Wooldale Road and Town End Road will suffer loss of light to gardens and living rooms. As many are built to a lower level due to the lie of the land, this will be oppressive.
- The amended plans would not overcome the impact on neighbouring amenity.
- Overlooking from the dormers.

Officer Comment: A full assessment upon the impact on neighbouring amenity has been undertaken and addressed in detail within the committee report.

Highway safety:

- Town End Avenue is not a wide road and a larger house with 2 or 3 cars plus visitors would cause problems close to the junction with Town End Crescent.
- The parking provision will not be increased. A four bedroomed family home will potentially generate the need for more parking and more accessible parking.
- The site is located on a bend and therefore off-street parking is essential.
- Building sites mean increased number of larger vehicles for prolonged periods and therefore this could affect access and highway safety.
- This will be dangerous for emergency services.
- Heavy goods vehicles, noise and mess are inevitable during building work and the site will be at a key junction which is the only access to the estate.
- The plans do not include extra parking but a family may own multiple cars. Two off road car parking spaces are insufficient.

Officer Comment: Officers consider the on-site parking proposed to be in accordance with the parking recommendations identified within the Council's Highways Design Guide SPD. Nonetheless, a full assessment has been undertaken and addressed within the committee report. In addition, it is not anticipated that a development of this scale would materially impact upon the efficient operation of the highway network. In terms of concerns with construction traffic, this is not a material planning consideration, but it is considered that the construction process would be relatively short term.

General concerns:

- The photographs within the plans are out of date and do not reflect the correct boundary treatment around the application site.
Officer Comment: This has been noted, however, Officers have undertaken a full site visit as part of the application process and have sufficient information available to them to make a recommendation.
- True bungalows are in short supply in the Holme Valley so to lose another affordable property is regrettable.
Officer Comment: This is not a material planning consideration in the assessment of this planning application.

- Oppose the conversion of a bungalow into a two storey house, skewing the housing stock and reducing the supply of sought after bungalows.
Officer Comment: This is not a material planning consideration in this assessment of this planning application.
- A lot of the detail outlining how the finished property would look is vague on the plans. Namely rendering of a colour yet to be decided and matching brickwork if possible.
Officer Comment: This has been noted, however, Officers are looking to secure the colour of the render for the garage via a condition, should the application be approved.
- Concerns are raised by Holme Valley Parish Council in terms of the over-intensification of the site.
Officer Comment: This has been noted and addressed within the assessment section of the report. However, it is considered by Officers that the proposal would not result in the overdevelopment of the site.

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, on balance, 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 for implementing the development.
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 host property.
4. Garage to be rendered in an off white/cream.
5. Prior to the extensions first being brought into use, a bat box in the form of a Schwegler bat box Type 27 or similar, shall be created within the southern elevation of the side extension

Background Papers:

Website link to application:

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/91620)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/91620>

Certificate B has been signed.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Oct-2022

Subject: Planning Application 2020/93800 Outline application for one detached dwelling adj, 100, Birchencliffe Hill Road, Lindley, Huddersfield, HD3 3NH

APPLICANT

P Plant

DATE VALID

13-Nov-2020

TARGET DATE

08-Jan-2021

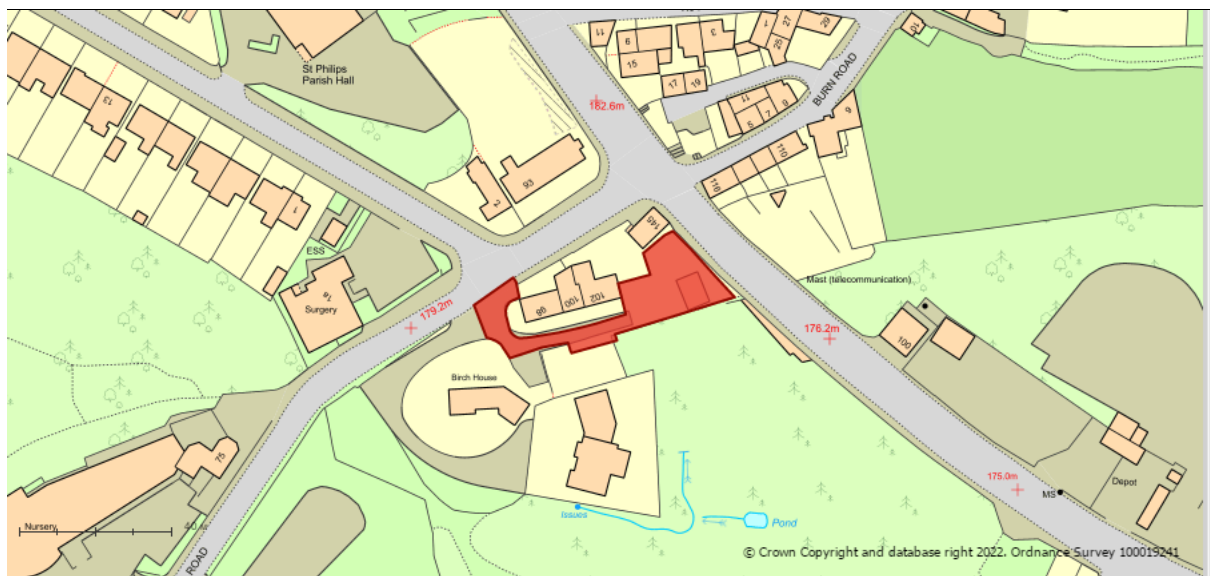
EXTENSION EXPIRY DATE

27-May-2022

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: REFUSE

1. Due to the constraints of the site, it is concluded that habitable room windows to the proposed development would be liable to experience severely limited light and outlook by reason of the constraints posed by the topography and dimensions of the site, the woodland to the south, and the presence of parked cars in close proximity to the new dwelling. It is therefore considered that the dwelling would fail to provide an acceptable standard of living for future occupants by reason of inadequate natural light and outlook, contrary to the aims of Policy LP24(b) of the Kirklees Local Plan, paragraph 130(f) of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide Supplementary Planning Document (SPD).

2. Due to the constraints of the site, it is concluded that a new dwelling would overlap the root protection zone of a tree which forms part of a group of semi-mature trees deemed to be valuable to the biodiversity and visual amenity of the area and especially the visual amenity of the Urban Greenspace allocation (UGS1232), of which they form part. Replacing the existing workshop, a lightweight, single-storey building, with a two-storey permanent building, would give rise to the need for deeper foundations, leading to the risk of significant root damage to trees. It has not been demonstrated that the erection of a dwelling could be undertaken without serious harm to the health of the trees and their long-term viability. Furthermore, notwithstanding the conclusions of the submitted Arboricultural Impact Assessment, six of the seven trees identified therein are described as semi-mature, and as such they are likely to continue to grow, giving rise to long-term issues of shading and debris fall to future occupants of the new dwelling, leading to pressure to fell. The development would therefore conflict with the aims of Policy LP33 of the Kirklees Local Plan and Principles 2, 3 and 9 of the Housebuilders Design Guide SPD.

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 Cahal Burke. Cllr Burke's grounds for requesting a Committee decision are as follows:

"We would like to refer to committee for decision. We believe the Arboriculturist report and various communications have proven by calculations or British Standards that the concerns of planning are not valid reasons to be concerned. The layout and density of building is acceptable."

1.2 The Committee Chair has confirmed that Cllr Burke's request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises a plot of land located near the junction of Halifax Road (to the east) and Birchencliffe Hill Road (to the north), accessed from the latter. The shared paved access track, which runs west to east, provides access to nos. 98-102 Birchencliffe Hill Road, a terrace of three cottages built mainly in stone (except for no. 102 at the eastern end which is rendered with stone quoins). It also provides access to a two-storey detached house with an undercroft, no. 145 Halifax Road, which is located adjacent to the junction. On the southern side of the shared track are some small residential garden plots.
- 2.2 At the eastern end of the shared driveway, set below the high retaining wall to Halifax Road, is a large shed comprised of painted corrugated metal, described as a workshop. The wider area is mostly residential, but to the south and south-east of the site is deciduous woodland.
- 2.3 There is a general fall in ground levels from north to south.

3.0 PROPOSAL:

- 3.1 The proposal seeks outline permission for the erection of a single detached dwelling. Access and scale are applied for in addition to the principle of development; appearance, landscaping and layout are reserved matters.
- 3.2 The site plan shows the new dwelling would be erected approximately on the footprint of the existing outbuilding, but at 10.0m by 6.5m it would be marginally bigger. It would also be rotated a little counter-clockwise and moved slightly further to the north. The indicative internal layout shows it to be two-storey, with two bedrooms and a bathroom at ground floor with a third bedroom, bathroom and kitchen / living / dining area at first floor.
- 3.3 Two parking spaces would be formed in front of the dwelling (to the west) and a new turning head to the north. A new parallel parking space to serve the existing dwelling is to be formed adjacent to the southern side of the shared driveway opposite nos. 100 and 102 Birchencliffe Hill Road.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2019/93891 – Outline application for one detached dwelling. Withdrawn owing to officer concerns about impact on trees and the living conditions of future occupants.

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

- 5.1 06-Oct-2021: Amended tree survey, Arboricultural Impact Assessment and Method Statement. This was not re-advertised because it was for clarification purposes only and was not deemed to raise substantial new planning issues.
- 5.2 18-May-2022: Alteration to proposed site plan to provide a fourth parking space in addition to turning space. Minor changes to indicative internal layout and annotations to confirm that it would comply with minimum internal space requirements as set out in Nationally Described Space Standards. Again, the amendments were not considered to raise substantial new planning issues requiring the opportunity for public comment.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

6.2 Kirklees Local Plan (2019):

The site is without designation within the Kirklees Local Plan. It adjoins Urban Green Space and Wildlife Habitat Network. It is also within a Source Protection Zone. There is a grade II Listed Building, historically known as 96-102 Birchenclyffe Hill Road, adjacent to the north-west of the site.

- **LP 1:** Achieving sustainable development
- **LP 2:** Place shaping
- **LP 7:** Efficient and effective use of land and buildings
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees
- **LP34:** Water Environment
- **LP 35:** Historic environment
- **LP 52:** Protection and improvement of environmental quality
- **LP 53:** Contamination/Unstable Land

6.3 Supplementary Planning Guidance / Documents:

- KC Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document 2021

6.4 Other Documents

- Biodiversity Net Gain Technical Advice Note 2021
- Climate Change Guidance for Planning Applications 2021

6.5 National Planning Guidance:

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 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- 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, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publicity period expired 29-Dec-2021. Publicity by site notice and press advertisement in addition to neighbour letters since the proposal is deemed to potentially affect the setting of a Listed Building.

Two representations made (both objection). Summary of concerns raised:

1. Concerns about further felling or pruning of trees.
2. Three cottages on the nearby land are Grade II Listed and are understood to be in a conservation area. Further details should be submitted to show that the new property will be in keeping;
3. The new parking space for 100 Birchenclyffe Hill Road is directly adjacent to a neighbouring garden resulting in decreased privacy, hazardous vehicle fumes and noise pollution, and the vehicles (depending on their size) may block light to our gardens.
4. Part of the area designated as a parking space encroaches on to our land;
5. We are concerned about living on a building site for potentially months or years on account of increased noise and air pollution, increased use of private driveway and possible blocking of access to the turning head.
6. If it is approved, we would like written assurances that no vehicles will be parked on the private driveway and that maintenance costs will be fairly shared.
7. Legal right of access from front door of existing property to Halifax Road and Birchenclyffe Hill Road will be blocked or compromised by the development.
8. Privacy – there would be large windows over two floors facing our garden and the front and side of our property.
9. Our view of the woods will be dramatically changed by parked cars.

7.2 Ward Councillor comments (Ward Councillor Cahal Burke) - Requests a Sub-Committee decision, as set out in the “Introduction” section at paragraph 1.1.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Environment Agency – Response is awaited and will be reported in the Update to members (consulted on the grounds of the site being within a Source Protection Zone).

KC Conservation & Design are a statutory consultee for proposals that are considered to affect the setting of a Listed Building. They were consulted on application 2019/93891 and raised no concerns. Since the previous application was very recent and was also for Outline permission (the principle of development plus access and scale) it was considered that it would not be productive to consult the Conservation & Design Team again and their previous response is still applicable to this application.

8.2 Non-statutory:

- KC Highways Development Management – No objection in principle
- KC Arboricultural Officer – Recommend refusal
- KC Ecology – Response awaited and shall be provided as a written update for Committee.

8.3 The following teams or services were consulted on the previous application (also for outline permission), 2019/93891. These consultations have not been repeated here because the proposal is of a similar nature and is therefore not considered to raise new issues:

- Environmental Health – Raised no objection in principle but recommended contaminated land and noise conditions.
- Highways Structures – Raised no objection in principle subject to a standard condition.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 Paragraph 47 of the National Planning Policy Framework (NPPF) 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.

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 provision of housing needs however to be balanced against all policies and material planning considerations considered below. The site occupies land without designation within the Local Plan, which means that in principle new build housing may be an appropriate use of the land. It is however adjacent to land designated Urban Green Space and Wildlife Habitat Network, and upon which semi-mature deciduous woodland grows, and which are potentially affected by the development proposed. Policies LP30 and LP33 are therefore applicable.
- 10.4 When making decisions on planning applications for development that would affect a Listed Building or its setting, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification.
- 10.5 Under Policy LP7 of the Local plan, supported by Principle 4 of the Housebuilders' Design Guide SPD, the planning process should encourage the efficient use of previously-developed land in sustainable locations, aiming for a net density of at least 35 dwellings per hectare as long as this is in keeping with local character. The application will further be considered having regard to the aims of Policies LP24(a), in ensuring that design and appearance are sympathetic to the character of the host building on site and the wider surroundings, and LP24(b) and LP52, in that it ensures a good standard of amenity is delivered or retained both for future, and existing neighbouring occupiers. Furthermore, it should not interfere with the free and safe use of the highway, as required by Policies LP20 and LP21. The Housebuilders' Design Guide SPD and the Highways Design Guide SPD are material considerations and will inform the assessment of the proposed new dwellings.
- 10.6 The site is in an accessible location, being approximately 230m walking distance from a bus stop on Halifax Road with a frequent service to Huddersfield Town Centre.
- 10.7 In the event of an approval additional measures to combat climate change could be incorporated into the development (including, but not limited to, electric vehicle charging points), sought and secured by condition. 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 where appropriate.

Urban Design issues

- 10.8 The proposal will be considered having regard to the aims of LP7 and LP24a, and also those of the Housebuilders' Design Guide SPD, in particular:

Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.

Principle 5 – Development should maintain open space and residential amenity.

Principle 8 – Transition to open land to be carefully considered.

Principle 13 – Materials should be appropriate to the site's context.

Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.

Principle 15 – The design of the roofline should relate well to the site context.

- 10.9 The surroundings of the site do not have a strongly defined character, having been developed sporadically. No 145 Halifax Road, a two-storey dwelling, is built on the corner of Halifax Road, leaving no space before the public highway on the Halifax Road side and only minimal space on the Birchencliffe Hill Road side. Nos. 98-102 Birchencliffe Hill Road present their rear elevations to the highway, separated by a narrow sunken yard, whilst opposite, on the northern side of Birchencliffe Hill Road are two individually designed detached houses which are set back substantially from the highway.

- 10.10 The opposite (north-eastern) side of Halifax Road is dominated by 19th Century development, mainly small, terraced houses, while further down Halifax Road to the south-east, residential gives way to woodland, a large vehicle hire depot and car park, and then more rows of terraced housing fronting the highway.

- 10.11 In this context it is considered that the presence of existing dwellings quite close to the site would not necessarily rule out development. The new dwelling would be only 11m from the south-eastern wall of no. 145 but would be placed on land that is much lower. It would be situated only 3.0m (average measurement) from the boundary with Halifax Road, but this is a greater separation distance than that achieved by no. 145 Halifax Road or the gable end of 116 Halifax Road that faces it. It would be placed 14.3m from the gable end of no. 102 Birchencliffe Hill Road.

- 10.12 The site area (including the two private parking spaces but excluding the turning head and shared access track) amounts to roughly 280sqm, which would mean that the erection of a single dwelling would give rise to a density equivalent to 36 units per hectare. This is considered an efficient use of land and an appropriate density to achieve in the context of the neighbouring plots which have higher net densities. It would therefore be compatible with the aims of LP7 of the Local Plan and Principle 4 of the SPD. It is considered that, in principle, a dwelling could be erected without giving rise to the appearance of overdevelopment, having regard to the layout and scale of the existing dwellings. Whilst it would represent a somewhat abrupt change from built development to semi-natural woodland, being sited only 1.6m from the site boundary with the woodland, this would only apply to the end elevation of the property, and it is considered that this relationship would not in itself be harmful to the visual amenity of the area. It is considered that the proposed development would, owing to its scale and being sited among established development, have no adverse impact upon the wider landscape.

10.13 The proposed new dwelling would be sited approximately 20m from the Listed Building, 98-102 Birchencliffe Hill Road. Based on site observations, it is probable that finished ground floor level would be lower than that of the Listed Building. The visual and historical links between the listed building and the plot of land where the house would be located do not appear to be of any great significance. Conservation and Design have previously raised no concerns about the proposed development on heritage grounds. It is therefore considered that the principle of one dwelling on this site could be undertaken without harm to the significance of the designated heritage assets. The details of reserved matters for the site would need to be thoroughly assessed against relevant design Policies of the Local Plan, and national Policy in NPPF Chapter 16.

10.14 It is therefore considered that, in principle, a development of the siting and layout shown on the indicative drawings, and subject to satisfactory reserved matters, would respect the appearance of its surroundings and accord with the aims of LP24(a) and the Principles within the SPD listed above in as far as they relate to visual amenity.

Residential Amenity

10.15 It is noted that both the internal layout, and the positioning of the dwelling within the site, as shown on the submitted drawings, are indicative only. The likely impacts upon existing occupiers, and the quality of life it would offer to future occupiers, will however be assessed having regard to the constraints of the site. The following principles within the Housebuilders Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- 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 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.”

- 10.16 The indicative layout shows that internal space would be in excess of the minimum set out in the Nationally Described Space Standards. The amount of garden space provided is considered adequate for the number of occupants. The main amenity space, based on the indicative layout, would be to the north of the dwelling. This area would be liable to be overshadowed by the high retaining wall and by the new dwelling itself, but this would be mitigated by it being at a higher level than the floor of the new dwelling and associated hardstanding. It is considered on balance that this aspect of the proposal complies with the aims of Principle 17.
- 10.17 Assuming the new dwelling were to have no primary habitable room windows in its northern elevation, it would comply with the 21m standard, but not quite comply with the 12m standard in relation to no. 145 Halifax Road. However, as no. 145 is set higher, it is considered that the effect would not be overbearing or cause undue loss of light. Regarding its relationship with no. 102 Birchenclyffe Hill Road, it is noted that this property has no side-facing windows, so based on the orientation shown there would be no possibility of significant window-to-window overlooking. It would be more than 12m from this property's amenity space, which is considered far enough away to avoid intrusive overlooking.
- 10.18 Based on the indicative internal layout, the first ground-floor bedroom (from the north) would not experience any built or permanent obstructions to outlook, but it would look out over the parking spaces at a distance of about 1m. This room's outlook would therefore be significantly obstructed by parked cars, and light could also be compromised as a result. The second ground floor bedroom would have a corner window. Its southerly outlook and receipt of light would be considerably limited by the trees; that to the west would be towards some existing ornamental shrubs at a distance of 4m, although these could be removed to provide a more open outlook as they are within the applicant's ownership. The first-floor habitable rooms would be somewhat less affected by the obstructions to light and outlook caused by the existing vegetation and topography.
- 10.19 In theory it might be possible to arrange the internal space differently so as to have one or more north-facing windows, giving occupants an improved outlook across their own garden, but this would lead to mutual overlooking with regard to the south-east facing window in no. 145 Halifax Road (a problem that would not be overcome by turning the dwelling 90 degrees because it would still fall considerably short of the 21m standard). Any windows in the eastern elevation would of course experience very poor light and outlook on account of the rising land and highway retaining wall.
- 10.20 In conclusion, it is considered that the overall level of outlook from, and natural light to, windows in a proposed dwelling would be unsatisfactory. Any rooms located at the south-western corner of the dwelling would possibly have better light and outlook than the others since the western outlook would be towards a landscaped area and if a secondary south-facing window were to be added this would provide some additional light (albeit limited because of the presence of the trees – see section 5 below). Receipt of light would be somewhat better for the upper floor windows (at least those that face west), but outlook would still feel rather limited since they would only overlook the narrow, landscaped strip along the southern boundary, the parking spaces and driveway, not the main amenity spaces to the north and east. Whilst the upper floor rooms and the

south-western ground floor room, as shown on the indicative layout, would all have living conditions that are less than ideal owing to their limited outlook, it is considered that occupants of rooms located nearer the northern end of the dwelling at ground floor would have a worse outlook as they would look directly out on to parked cars.

- 10.21 It is accepted that the layout shown on the submitted drawing is illustrative only since appearance and layout are not being applied for at this stage. It is considered however that owing to the constraints of the site, it would not be possible to design a dwelling house that would provide an acceptable standard of living for future occupants, since occupants would experience poor natural light and outlook, contrary to the aims of LP24(b), paragraph 30(f) of the NPPF and Principle 6 of the SPD.

Highway issues

- 10.22 The most relevant parts of the SPD are Principle 12 (a suitable amount of car parking should be included in a scheme) and 19 (waste storage should be incorporated in a manner suitable both for collection and use).
- 10.23 The Highway Officer has assessed the proposal and concluded that it would not generate sufficient traffic to have a severe adverse impact on the functioning of the local highway network. The dwelling would use the existing access point to Birchencliffe Hill Road which is more than wide enough to accommodate two-way vehicle movement.
- 10.24 The Highway Design Guide SPD (Key Design Driver 20) states that as an initial point of reference new 2- or 3-bedroom dwellings be provided with a minimum of two off-road parking spaces, but that a lower level of provision may be acceptable having regard to the criteria in paragraph 5.1 (accessibility, type of development, public transport accessibility, local car ownership levels). The illustrative plans indicate that the new dwelling would have three bedrooms. As such it would be expected to be provided with two spaces, which are shown on the plans at standard dimensions.
- 10.25 The latest version of the plans shows a further two spaces laid out for the use of the existing dwelling, no. 100 – one on the southern side of the access track, one at right-angles to the two spaces to serve the proposed new dwelling. Whilst a larger turning head would ideally be preferred, it is considered that both the parking spaces and turning head are of an adequate size and layout to be conveniently usable and that the scheme would not result in unsafe parking, or drivers having to carry out turning movements within the public highway or the junction.
- 10.26 The site plan does not show a refuse storage point, but incorporating one into the layout should not present any difficulties and this could be conditioned, or agreed through negotiation, if officers were minded to approve. A standard refuse collection vehicle would not be able to safely enter the site or turn within it, so it is assumed that kerbside collection would be undertaken. This would mean that householders would have to drag bins more than the recommended maximum of 25m on collection day, but this is not an uncommon situation for dwellings served by informal roads and it would be difficult to justify a refusal on this issue alone.

- 10.27 The dwelling would be in close proximity to the highway retaining wall and there is a possibility that any excavation works required for the erection of a new dwelling could affect its stability. As recommended by Highways Structures when consulted on the 2019 application, this could be addressed by a condition requiring engineer's drawings and calculations before development commences, if officers were minded to approve. It would thereby accord with the aims of LP53 and Chapter 15 (paragraph 174 and 183).
- 10.28 Finally, the proposed highway improvement scheme for Halifax Road (application 2021/92734) will not have any implications for this development proposal since it does not involve widening the carriageway or footway adjacent to the application site.
- 10.29 In conclusion, it is considered that the development of the site for one dwelling, with the indicative layout shown, could be achieved without compromising the safe or convenient use of the highway, thereby according with the aims of Policies LP21, 22, 24(d)(vi) of the Local Plan and Principles 4 and 19 of the Housebuilders' Design Guide SPD.

Impact on trees

- 10.30 Under Policy LP33 of the Local Plan, consideration must be given both to direct effects on trees (root damage) and indirect effects (future amenity issues leading to pressure to fell). Similarly, Principles 2 and 3 require developers to illustrate how landscape opportunities have been used and to map out the constraints of the site and seek the integration of existing green infrastructure.
- 10.31 The Arboricultural Officer expressed concerns about the impact of the proposal on the grounds of both direct and indirect impacts. In response an amended tree survey, Impact Assessment and Method Statement were submitted 6th October 2021. The trees on the adjacent land to the south are not covered by a Tree Preservation Order. They are on Council-owned land and therefore cannot be removed without the consent of the Council acting as corporate landlord, although overhanging branches can be pruned without the consent of the Council. They are however considered to make a significant positive contribution to the visual amenity of the area and the Council should therefore seek to ensure their retention in line with Policy LP33.
- 10.32 The Arboricultural Report identifies 7 individual trees (all sycamores) on land adjacent to the site. All except T7 are classed as semi-mature. The trees no longer overhang the site owing to recent pruning on the applicant's side. All but one (T7) is deemed to have low amenity value and their structural and physiological condition is deemed to be "fair". The case officer and Council Arboriculturalist do not dispute these findings in so far as they relate to individual trees, but the collective value of the trees as part of a tract of woodland, which also forms part of an Urban Greenspace (UGS) allocation, is considerable. The land upon which they grow lies within a 3.42ha UGS allocation UG128, known as Hopkinson Recreation Ground and Lindley Methodist Churchyard. Paragraph 19.39 of the Local Plan, forming part of the justification statement to Policy LP61, states that: "Green spaces close to where people live...are also an essential component of the quality and local character of areas, providing visual amenity and wildlife value."

10.33 The new dwelling, as shown on the proposed site plan, would overlap the root protection zone of T1. The developer's intention, according to the report, is to retain all trees. The Impact Assessment states that "when the root protection area is plotted as a circle then the proposed building covers only 15% of the root protection area of T1 – this is a significant improvement to the existing site condition." Whilst it is noted that the existing workshop intrudes into the root protection zone, it appears to be a building of lightweight construction and as such it is unlikely to have deep foundations. Replacing it with a substantial, permanent, two-storey building would give rise to the need for deeper foundations and it has not been demonstrated that this could be done without serious harm to the tree. The report also conjectures that few or no significant roots are likely to be found beneath the existing workshop – this is unproven and could only be verified by investigation. The Method Statement proposes that a "no dig" construction method incorporating a cellular confinement system could be employed but only a generic diagram is shown so it has not been proven that this would be an appropriate solution here. It is noted that "scale" has been applied for in addition to the principle of development, "layout" has not, but in practice, owing to the topographical and other constraints of the site, it would be extremely difficult to change the site layout in such a way as the dwelling is significantly further away from the trees and avoids their root protection zone altogether.

10.34 Pages 4-8 of the Impact Assessment deal with predicted indirect effects upon trees. It makes the following points in support:

- Partial shading may be desirable to future occupants in reducing glare or excessive solar heating.
- The level and type of shade from retained trees has been quantified in accordance with BS5837:2021 and is found to be well within reasonable levels. Point B (a point 2.5m in from the right-hand or southern end of the front elevation) is affected by some loss of both daylight and sunlight, but still enjoys acceptable levels, the visible sky component being 26.5, the angle of visible sky (Θ) is 69 in summer and 77 in winter, the annual probable sunlight hours are 30% including 5% in winter.
- No tree has been removed in Kirklees in the last 10 years as a result of falling leaves, honeydew, or other detritus. Where potential conflicts between tree retention and residential amenity are predicted to occur, BS5837:2021 recommends that design solutions such as non-slip paving, leaf guards and grilles, can be used.
- Safety concerns based on mere apprehension would not provide grounds for removing a tree.

10.35 The assessment appears to demonstrate that the degree of shade cast by the trees, in their present condition, would be within reasonable levels. Notwithstanding this, it should be noted that 6 of the 7 trees are classed as "semi-mature" and are expected to continue to grow. Even if the erection of a new dwelling would not give rise to immediate conflict between tree retention and residential amenity, this would still be a cause for concern in the medium to long term because the proximity of the adjacent woodland gives rise to considerable potential for conflict on account of shading and debris fall. Most of the trees are sycamores which are known to shed a sticky residue during the summer months, which would increase their potential nuisance value.

- 10.36 In summary, it is considered that there are still unresolved concerns about direct impacts arising from the digging of foundations, and even if this could be overcome, the possible indirect impacts – pressure to fell or prune the trees as a result of perceived nuisance to future occupiers – would be a long-term threat to their retention. The development would therefore be in conflict with the aims of Policy LP33 of the Local Plan and Principle 3 of the Housebuilders’ Design Guide SPD.

Representations

- 10.37 The comments made are summarised here with officer responses.

Concerns about further felling or pruning of trees;

Response: This concern is considered to be substantiated.

Three cottages on the nearby land are Grade II Listed and are understood to be in a conservation area. Further details should be submitted to show that the new property will be in keeping;

Response: It is considered that the details submitted are sufficient to allow an adequate assessment to be made for outline planning purposes.

The new parking space for 100 Birchencliffe Hill Road is directly adjacent to a neighbouring garden resulting in decreased privacy, hazardous vehicle fumes and noise pollution, and the vehicles (depending on their size) may block light to our gardens.

Response: It would not be possible to substantiate a refusal based on noise or fumes associated with domestic parking since these would not exceed a level that is normal in a residential area. The parking space would be about 8m away from the southern elevation of the nearest dwelling not in the applicant’s ownership and it is considered that any obstruction to light would be immaterial.

Part of the area designated as a parking space encroaches on to our land.

Response: According to Land Registry data available to Kirklees Council, the whole of the development area of the site, including the proposed new dwelling, turning head and all parking spaces, are within the same ownership and it appears that no part of the development would intrude onto third party land. The application is therefore presumed to be valid and no documentary evidence has been submitted to counter this.

We are concerned about living on a building site for potentially months or years on account of increased noise and air pollution, increased use of private driveway and possible blocking of access to the turning head.

Response: Given the limited space available on the shared driveway and turning area, the parking of contractors’ vehicles may be a concern, and if officers were minded to approve, the option of conditioning a construction management plan could be considered. Pollution impacts arising from construction, such as noise and dust, could be acted upon as a statutory nuisance if they were to occur, and it is considered that for a development of only one dwelling it would not be proportionate to seek to manage them by means of a planning condition.

If it is approved, we would like written assurances that no vehicles will be parked on the private driveway and that maintenance costs will be fairly shared.

Response: For reasons set out above in section (4) of the Assessment, it is considered unlikely that the development would lead to inappropriate parking. The sharing of maintenance costs would normally be deemed a private civil matter and it would not be appropriate to seek to control it through the planning system.

Legal right of access from front door of existing property to Halifax Road and Birchencliffe Hill Road will be blocked or compromised by the development.

Response: Any interference with a private right of access is generally deemed to be a private civil matter and it would therefore not be possible to substantiate a refusal on such grounds. The granting of planning permission would not extinguish such rights.

Privacy – there would be large windows over two floors facing our garden and the front and side of our property.

Response: The issue of mutual overlooking has been examined in part (3) of the Assessment.

Our view of the woods will be dramatically changed by parked cars.

Response: Any obstruction to a private view over third-party land is a private interest and does not amount to a material planning consideration.

- 10.38 Ward Councillor comments (Ward Councillor Cahal Burke): We would like to refer to committee for decision. We believe the Arboriculturist report and various communications have proven by calculations or British Standards that the concerns of planning are not valid reasons to be concerned. The layout and density of building is acceptable.

Response: The latest Arboricultural report, and the implications of the proposal for the survival and long-term health of trees, are examined and commented on in 10.29-32 above.

Other Matters

10.39 *Ecology:*

The site is in the bat alert layer. In its present condition the site is likely to have very limited biodiversity value, including as a bat roost or foraging ground. On this basis, the Council's Ecologist has been consulted and it is expected that the comments of the Ecologist will be included as a written update to Members.

- 10.40 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant. The Conservation of Habitats and Species Regulations 2017 protect, by law, bats. The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance. Principle 9 of the Council's adopted Housebuilders Design Guide SPD also requires that proposals provide net gains in biodiversity.

10.41 The adjacent land, comprising deciduous woodland, is likely to have considerable biodiversity value, and forms part of the Wildlife Habitat Network. The proposed development would be liable to have significant short-term and long-term adverse impacts on trees, for the reasons set out at length in paragraph nos. 10.30-36 of the Assessment. In commenting on the 2019 application, the Council's Ecologist concurred with the Arboricultural Officer's concerns that the proposed development would pose a risk to the adjacent trees, which would be likely to affect the function and connectivity of the network. As noted above, Officers have consulted the Council's Ecologist on this application and it is expected that these comments are to be provided as a written update to Members. Following this, Officer advice will take the comments of the Ecologist into account. Nonetheless, for the above reasons Officers have significant concerns that the proposal would not comply with the aims of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD or NPPF Chapter 15 and the recommended second reason for refusal reflects this.

10.42 *Drainage:*

The site is not known to be at risk from flooding. It is proposed that disposal of surface water would be by the main sewer, whereas the arrangements for foul sewage have yet to be determined. In the event of the Council approving the application, foul drainage arrangements could be conditioned. As for surface water drainage, a soakaway would probably not be practicable because of the limited space within the site, and since the proposal is for a single dwelling, it is considered it would be disproportionate to seek the installation of a sustainable drainage system, so direct discharge to mains can be allowed in this instance.

10.43 *Source Protection Zone*

The site is within an area identified by the Environment Agency as a source protection zone. This applies to the area around any groundwater abstraction intended for human consumption. Proposed development must be appropriate to the sensitivity of the site and, in accordance with Policy LP34 of the Local Plan, must ensure no deterioration of by conserving – amongst other things water quality. Planners have sought the views of the Environment Agency, whose response is awaited.

11.0 CONCLUSION

11.1 It is considered that the owing to the constraints of the site it would not, in principle, be possible to erect a new dwelling on this site that would deliver an acceptable level of amenity for future occupiers whilst not detracting from those of existing residential properties. It has also not been demonstrated that the erection of a new dwelling could be undertaken without causing either long-term or short-term harm to trees adjacent to the site that are deemed to collectively have considerable value, both in terms of visual amenity and because of their contribution to the value of the Wildlife Habitat Network.

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. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole. The application is therefore recommended for refusal.

12.0 Recommendation: REFUSE

Background Papers:

[Link to application details](#)

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93800>

Certificate of Ownership A signed.

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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Oct-2022

Subject: Planning Application 2022/91154 Demolition of existing dwelling and erection of detached dwelling including new landscaping and tennis court Old Biggin Farm, Cold Hill Lane, New Mill, Holmfirth, HD9 7DN

APPLICANT

G & A Paxman

DATE VALID

07-Apr-2022

TARGET DATE

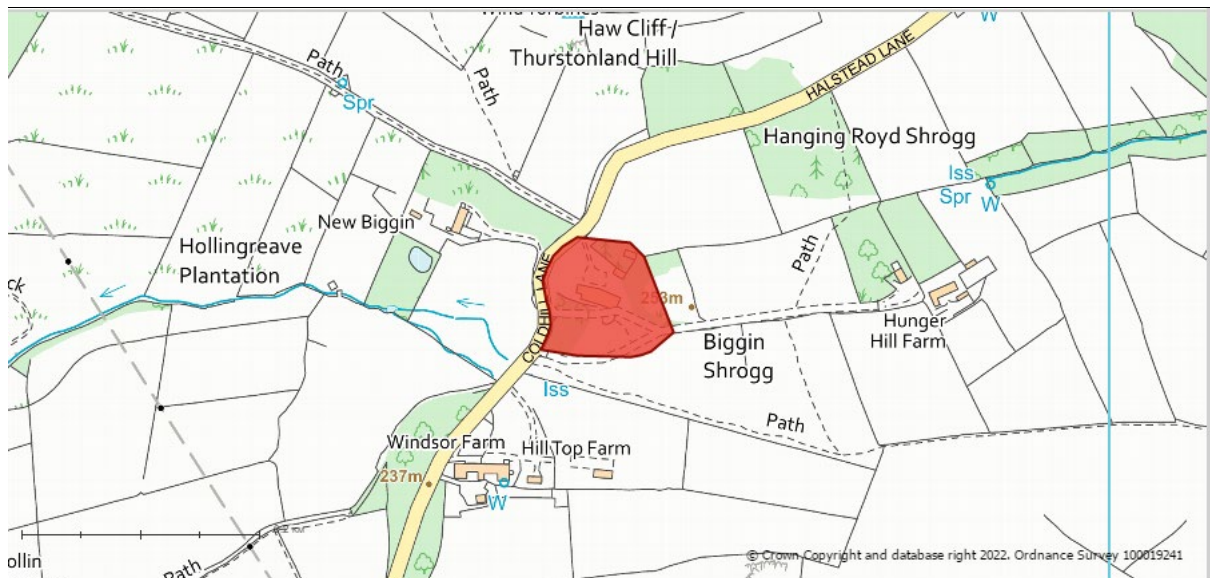
02-Jun-2022

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: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION: Refuse

1. The development, consisting of a large replacement dwelling, tennis court and associated engineering works, would result in a materially larger building than the dwelling it is to replace, whilst also having a significantly greater impact upon the openness of the Green Belt compared to the existing development, therefore the development constitutes inappropriate development in the Green Belt with regard to Paragraphs 149 (b), (d) and (g) and 150 (b) of the National Planning Policy Framework. In addition to this, the development, including the tennis court and associated engineering works would cause greater harm to the openness of the Green Belt whilst also encroaching further into the open countryside thereby conflicting with one of the purposes of including land within Green Belts. There are no very special circumstances which clearly outweigh the harm caused by reason of inappropriateness and other harm. The development is therefore contrary to Policies LP56, LP57 and LP59 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework, as well as Policy 6 of the Holme Valley Neighbourhood Development Plan.

2. The proposed dwelling, by reason of its overall large scale and massing, and incongruous design, including the proposed untraditional and bulky glazed gable projections and green oak canopy, as well as the extensive engineering works including tennis court, excavation and hard surfacing, would result in an overly dominant dwelling and urbanising form of development that causes detrimental harm to the rural character of the area. Therefore, the proposal would be contrary to Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2, 13 and 14 of the Council's adopted Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is brought to the Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation as the planning application is for residential development whereby the site area to be developed exceeds 0.5 hectares.

2.0 SITE AND SURROUNDINGS:

2.1 The application site relates to Old Biggin Farm, Cold Hill Lane, New Mill. The application site measures approximately 0.87ha and is located at the top of Cold Hill Lane within New Mill. It is found on the north-east side of the Holmfirth Valley and can be accessed via 2 driveways located directly off Cold Hill Lane. The current dwelling comprises of a large detached two-storey 3 bedroomed property. The dwelling is not highly visible from the public highway, except when viewed from the main driveway entrance. The site includes a number of trees to the east and south-west.

2.2 To the north, west and east is open countryside, with the nearest residential properties being located to the south and north-east. There are a number of Public Rights of Way within the vicinity of the site, including HOL/36/20 adjacent to the north boundary of the site, HOL/43/30 to the south and HOL/45/40 to the east.

2.3 The site is within the Green Belt. The application site is not located within a Conservation Area nor located in close proximity to any listed buildings. The majority of the site is within a development low risk coal mining area, but the northern tip of the site is within a development high risk coal mining area.

3.0 PROPOSAL:

3.1 The application seeks planning permission for the demolition of existing dwelling and erection of a detached dwelling including new landscaping and a tennis court.

3.2 The applicant seeks to demolish the existing detached two-storey, 3-bedroomed dwelling and replace it with 1 no. 5 bedroomed detached dwelling. The property is to be three storeys in height however, when viewed from the north, east and west the dwelling will appear as a two-storey property given the difference in land levels and levels of excavation proposed to the south.

3.3 Private amenity areas are to remain to the front, sides and rear, with off-street parking provided to the front of the property on the driveway, and within the integral garage within the basement element of the dwelling to the south.

3.4 The new dwelling is to be located largely in the same position as the existing dwelling, measuring approximately:

- 14.8m in width
- 30.7m in length
- 10.9m in height

3.5 It is also pertinent to note that significant excavation would be required to the rear to enable the basement level of the scheme to be created.

3.6 Materials proposed for the construction of the new dwelling include natural coursed stone, stone slate roof tiles, ppc aluminium windows in cream, with a green oak canopy.

3.7 The proposal also seeks to install a new tennis court to the north-east of the site. The tennis court is to measure approximately 29.7m x 14.9m, and will have a permeable surface, bounded by 2.4m PPC chain link fencing in black. Numerous trees are to be removed from the site to enable this element of the proposals.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2010/92658 – Alteration and extension of existing dwelling – Withdrawn 18th November 2010.

4.2 93/03092 – Erection of loose boxes – Withdrawn 14th July 1993.

Pre-application

- 4.3 2021/20709 – Pre-application advice for erection of replacement dwelling. Comments made 6th October 2021 – Advice provided within the pre-application letter is summarised below.

“In summary, it is concluded that the plans as submitted would not be in accordance with Local Planning Policies LP57 or LP59. This is due to the overall scale, size and volume of the dwelling that is proposed and its impact on the openness of the Green Belt through the proposed engineering works and treatment of outdoor areas, including hardstanding’s and means of access.

Should a subsequent application be submitted to the Council which reduces the overall visibility of the proposed lower ground floor by removing excess windows and doors, and making it look more subterranean in appearance, reducing the amount of hardstanding areas proposed around the perimeter of the dwelling and supporting the application with a landscaping plan (outlining that the existing mature planting is to be retained and would not be removed or damaged during construction works) and drawings showing views from Cold Hill Lane to confirm that the proposed dwelling would not be openly visible to the public from the public highway, a future scheme on this site may be acceptable.”

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

- 5.1 No amendments have been sought as the proposals are deemed to be wholly unacceptable in this instance. Officer advice has been previously provided within the pre-application letter dated 6th October 2021.
- 5.2 It is noted that a formal response has been submitted by the applicant’s agent via email on 31st August 2022, and this was submitted upon receiving confirmation from Officers that the application was to be moved forward with a recommendation of refusal. This response is discussed and addressed within the below Officer’s report.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).
- 6.2 The application site is located within the Green Belt and Holme Valley Neighbourhood Development Plan Area. It is also important to note that there are a number of Public Rights of Way within the vicinity of the site, including HOL/36/20 adjacent to the north boundary of the site, HOL/43/30 to the south and HOL/45/50 to the east.

Officer note: Whilst it is acknowledged that part of the application site is located within a coal referral area, this portion of the site relates solely to the resurfacing of an existing driveway and therefore given the nature of the proposals, it is considered that a Coal Mining Risk Assessment is not required in this instance with reference to guidance on such a matter.

Kirklees Local Plan (2019):

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP3** – Location of New Development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP20** – Sustainable Transport
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity & Geodiversity
- **LP33** – Trees
- **LP51** – Protection and Improvement of Local Air Quality
- **LP56** – Facilities for Outdoor Sport, Outdoor Recreation and Cemeteries
- **LP57** – The Extension, Alteration or Replacement of Existing Buildings
- **LP59** – Brownfield Sites in the Green Belt

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. The following policies are considered relevant to the determination of this application:

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”

Policy 6: Building Homes for the Future

“In addition to the housing sites allocated in the Kirklees Local Plan new housing development will be supported subject so long as... the proposed housing is located within existing settlements not overwashed by Green Belt or is for housing acceptable in terms of national Green Belt policy... proposals for residential development involving the redevelopment of previously developed (brownfield) sites or the conversion of mill buildings and other suitable building to create low-cost housing and apartments is particularly encouraged”

Policy 11: Improving Transport, Accessibility and Local Infrastructure

“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.

Policy 12: Promoting Sustainability

“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

“All development proposals should demonstrate how biodiversity will be protected and enhanced”.

The application site is within Landscape Character Area 8 – Settled Slopes of the Holme Valley

Key landscape characteristic of the area are:

- Strong rural setting and agricultural character with pastoral farmland on the rising valley slopes.
- There is a strong connection to the surrounding rural landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides as well as glimpsed views of the rural backdrop through gaps between the built form, especially within Totties and Scholes.
- Stone walls and hedgerows form field boundaries and line single lane roads.
- Short sections of the Kirklees Way, the Barnsley Boundary Walk and the Holme Valley Circular Walk cross the area. A short section of National Cycle Route no. 627 also crosses the north-east of the area.

Key built characteristic of the area are:

- Older settlements are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes.
- Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development.
- Vernacular building materials include millstone grit walls with grey slate roofs.

Supplementary Planning Guidance / Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Planning Guidance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- 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 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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 One representation has been received in objection to the proposal. These comments are summarised below.

- The submitted plans remove the right of way which a neighbouring property has had for over 100 years.

Officer response: Noted. The applicant's agent has confirmed via email on 10th May 2022 that the right of way from the old track is to be transferred to the new one. However, as this does not relate to a designated Public Right of Way this would be a civil matter that would need to be dealt with outside of this current planning application (i.e. it is not a material planning consideration).

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above. Whilst it is acknowledged that there is a Public Right of Way running within close proximity to the site, the proposals are not considered to affect the existing PROWs given the separation distances and nature of the proposals which is to replace an existing dwelling which is set away from the PROWs. The proposal was therefore not advertised as affecting the setting of a PROW,

7.2 **Parish/Town Council**

Holme Valley Parish Council – Support, although draw attention to right of way concerns raised by neighbours.

Officer note: Noted. As discussed within the representations section of this report, the applicant's agent has confirmed via email on 10th May 2022 that the right of way from the old track is to be transferred to the new one. However, as this does not relate to a designated Public Right of Way this would be a civil matter that would need to be dealt with outside of this current planning application.

7.3 Local Ward Members

On 6th October 2022, Officer's notified local ward members Councillor Firth, Councillor Crook and Councillor Davies of this application which is due to be considered under the Huddersfield Sub-Committee on 20th October 2022. Officers also outlined the recommendation for refusal and the reasons for this. Councillors responded as outlined below:

Councillor Paul Davies:

'I sit on this Committee so will keep my comments until I have heard all of the evidence there'.

Councillor Moses Crook:

'Having looked at the plans I agree with your recommendation here and with the reasons given (or at least the ones I understand). I also think that rights of access should be resolved ahead of any development. I also note that this proposal is listed as being in Holme Valley North on the planning site?'.

Officer note: Officers acknowledged the error on the Council's planning website and has sought to rectify this to ensure the ward is identified as being within Holme Valley South.

8.0 **CONSULTATION RESPONSES:**

Below is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning webpage.

8.1 **Statutory:**

KC Highways Development Management – No objections subject to conditions and informatives relating to parking areas being 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)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, and that the granting of planning permission would not authorise the carrying out of works within the highway, and that written permission of the Council as Highway Authority would be required.

8.2 **Non-Statutory:**

KC Trees – No objections but concerns have been raised in respect to the amount of proposed tree loss (55 trees) at the site, whilst of limited amenity value they are well-established semi-mature trees which provide wildlife habitat and green infrastructure. Additional information is therefore requested in the form of more details within the submitted tree report regarding the replacement trees and their size, species, location and a suitable aftercare/maintenance programme. Conditions are also recommended should planning permission be granted which require the submission of a tree protection plan, and a landscaping scheme.

Officer note: Following receipt of the above the applicant's agent responded via email on the 11th of July 2022 stating that the trees to be removed are not high in value and all lost trees will be replaced with native species to provide greater species diversity within the site. Also, a large proportion of trees are being removed due to the need to replace the septic tank, which is necessary to meet the requirements set out in new legislation on septic tanks. With regard to planting additional trees within the specific location as suggested by the Tree Officer, the applicants advised that this part of the site is not available for tree planting as it is used by a farmer to grow hay for livestock. For clarity, there are no agricultural tenancies in place and the farmer is a friend of the Applicants, meaning this is an informal agreement. Lastly, they wished to reiterate that this is a replacement of an existing private dwelling rather than a large-scale commercial development and therefore, they believe that 1:1 tree replacement strategy is adequate.

Given the assessments made under the principle of development section of this report, Officers did not seek further advice from the Tree Officer with respect to the agent's additional comments. This was due to the proposals being wholly unacceptable as submitted. Should planning permission be granted in future, clarification would need to be sought and details agreed with respect to the additional and proposed planting.

KC Ecology – Comments received 17th May 2022. No objections subject to conditions relating to further ecological surveys being undertaken, and the installation of an integral bat box.

9.0 MAIN ISSUES

- Principle of development (including principle of development in Green Belt)
- Impact on visual amenity
- Residential amenity
- Highway issues
- Other matters

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

10.3 Policy LP2 of the Kirklees Local Plan states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

10.4 The site is within the Kirklees Rural Sub Area. The listed qualities will be considered where relevant later in this assessment.

10.5 The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

10.6 Policy 6 of the Holme Valley Neighbourhood Development Plan (HVNDP) states that housing development will be supported subject to the following considerations being met:

- The proposed development being within existing settlements (and if in the green belt, it must be acceptable with guidance contained within the NPPF).
- Adequate parking.
- Good access to public transport and encourage walking and cycling by enhancing, expanding and linking to existing routes.
- The proposal demonstrates that densities make best and efficient use of land and reflect local settlement character

10.7 In respect of the acceptability of the development in the Green Belt, this will be discussed below. Whether there is adequate parking will also be discussed below in the highway safety section of the report. In terms of access to public transport, the site is located within the open countryside, some distance to the north of New Mill where the nearest public transport connections are (the nearest bus stop being ~1KM away). It is there questionable as to whether the site has good access to public transport and encourages walking and cycling.

10.8 In respect of the density of development, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. The text supporting Policy 6 of the HVNDP states that the housing density in the Holme Valley will be approximately thirty dwellings per hectare. However, Policy LP7 states this target should be ‘where appropriate’ and in the policy justification set out in paragraph 6.40 that the policy allows for lower ‘densities where a site would not be compatible with its surroundings’. Given that the proposal looks to replace one dwelling with another dwelling, the quantum of development could be said to be acceptable.

Land Allocation (Green Belt)

10.9 The site is allocated as Green Belt in the Kirklees Local Plan.

- 10.10 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to 'assist in safeguarding the countryside from encroachment'. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.
- 10.11 Paragraph 149 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. For instance
- Paragraph 149 (b) - the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
 - Paragraph 149 (d) - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
 - Paragraph 149 (g) - limited infilling or the partial/complete redevelopment of previously developed land, so long as the proposals would not have a greater impact on the openness of the Green Belt than the existing development.
 - Paragraph 150 (b) – engineering operations provided they preserve the openness of the green belt and do not conflict with the purposes of including land within Green Belts.
- 10.12 Policies LP56, LP57 and LP59 of the Kirklees Local Plan are consistent with advice within the NPPF.
- 10.13 In relation to replacement dwellings, Local Plan Policy LP57 criteria (b) echoes exception Paragraph 149 (d), but Policy LP57 also requires proposals to not result in a greater impact on openness in terms of the treatment of outdoor areas including hard standings, curtilages and enclosures and means of access. Policy LP57 also notes that design and materials should also have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.
- 10.14 Regarding brownfield development in the Green Belt, Local Plan Policy LP59 also states that proposals for the partial or complete redevelopment of an existing brownfield site will normally be acceptable provided that the extent of the existing footprint is not exceeded, and that redevelopment has regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.
- 10.15 As noted above, Policy 6 of the Holme Valley Neighbourhood Development Plan makes reference to development within the Green Belt and highlights that housing (other than sites allocated for housing within the Kirklees Local Plan) would be supported subject to the proposed housing being located within an existing settlement which is not over washed by Green Belt or is acceptable in terms of national Green Belt policy.

10.16 Policy LP56 of the Kirklees Local Plan refers to facilities for outdoor sport, outdoor recreation and cemeteries in the Green Belt. Similar to Paragraph 149 (b) of the NPPF it sets out that proposals for appropriate facilities associated with outdoor sport, outdoor recreation or cemeteries will normally be acceptable as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. It also sets out that proposals should ensure that:

- the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated.
- the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas;

Whether the proposal is inappropriate development within the Green Belt

10.17 In this instance the existing site comprises of a detached two-storey 3 bedroomed dwelling constructed from stone. This dwelling is to be demolished and replaced with a three-storey 4 bedroomed detached dwelling. The proposal will therefore be of the same use. The sizes of the existing and proposed dwellings are discussed and assessed below in more detail.

Existing Dwelling

- Footprint = approximately 393.78sqm
- Floorspace = approximately 512.29sqm
- Volume = approximately 1885.93 cubic metres

Proposed Dwelling

- Footprint = approximately 453.84sqm
- Floorspace = approximately 932.90sqm
- Volume = approximately 3012.8322 cubic metres = (basement 1497.672 + ground floor 727.9602 + first floor 545.792 + roof 241.408)

10.18 Whilst there is no accepted definition of what constitutes to 'materially larger', the proposals would see the proposed increases as outlined below:

- Increase of around 13.25% in footprint.
- Increase of around 82.1% in floorspace.
- Increase of around 59.75% in volume.

10.19 Officers note that within the submitted rebuttal letter from the applicant's agent dated 31st August 2022, the agent notes that Local Plan Policy LP59 (b) confirms that the complete redevelopment of brownfield sites in the Green Belt will normally be permitted if the extent of the existing footprint is not exceeded. Whilst Policy LP59 (b) does state this, the proposal would see an increase in the footprint of the dwelling by around 13%. Further to this, the National Planning Policy Framework also sets out that redevelopment of development on brownfield land will only be acceptable if the proposal does not have a greater impact on the openness of the Green Belt than the existing

development. Thus, the increase to the footprint, coupled with the significant increases in floor space and volume is considered to constitute as being considerably and materially larger than the existing dwelling.

- 10.20 Not only from an arithmetic perspective do Officers consider that the proposed replacement dwelling would be materially larger, but also from a visual perspective. Whilst the footprint of the proposed dwelling may not be substantially larger, a large amount of the existing dwelling is only single storey in height, whilst the majority of the proposed replacement dwelling would be two to three storeys and would include bulky gable projections. Thus, visually, Officers also consider that the proposed dwelling would also have a greater impact upon the openness of the Green Belt than the existing dwelling.
- 10.21 The applicant's agent did note within the submitted rebuttal letter that the architect did endeavour to match the overall height of the existing dwelling, however due to the low energy design and requirement for Mechanical Ventilation with Heat Recovery (MVHR) ductwork, the floor depths to accommodate services needed to be increased. Whilst the Council supports proposals which seek to contribute in helping with the Climate Change Agenda, the proposals as a whole, when taking into account the increase in footprint and floorspace would not result in a scheme that would be deemed to be acceptable in the Green Belt on this occasion. Should the overall floorspace and footprint be significantly reduced, it may be that a slight increase in overall height would be deemed to be acceptable in this location.
- 10.22 In addition to the above, the scheme includes the provision of a new full-sized tennis court (engineering operation and arguably an outdoor recreation facility), as well as engineering operations to create the new basement level and additional areas of hardstanding.
- 10.23 The proposal is to include the provision of a new basement level; this basement will require significant excavation to the rear of the property of approximately 30.49m in width and 3m in depth. Within the previous pre-application advice (ref: 2021/20709), Officers advised the applicant to remove the majority/all of the proposed garage doors and windows to ensure that the basement remained hidden, and the property would remain visually as a two-storey dwelling to the south. Unfortunately, the applicant has sought to keep the proposed garage doors and windows within the southern elevation of the basement, which does emphasise the scale and size of the works proposed at the site within this sensitive Green Belt location. Whilst Officers note that some engineering operations can be considered to be appropriate in the Green Belt, given the nature and level of excavation required in this instance, officers are of the opinion that the scheme would not preserve the openness of the Green Belt and would in fact be of detriment to it.
- 10.24 Furthermore, the proposal would provide numerous new areas of additional hardstanding around the site. These include providing access around the whole of the dwelling, with a large patio area to the rear, dining terrace to the west, and walkway/feature to the east. Concerns over the amount of new hardstanding were raised within the previous pre-application advice, whereby Officers requested that this be reduced throughout the site. Unfortunately, within this submitted application the amount of hardstanding has increased since the pre-application enquiry. Within the submitted rebuttal letter the applicant's agent notes that the proposed replacement scheme does include

additional hardstanding around the dwelling but states that as the overall footprint of the dwelling has been reduced by 102m² and therefore this should be taken into account. As outlined above, the footprint of the dwelling is to be increased and therefore this does not overcome Officers' concerns with regards to the expanse of hardstanding included within this sensitive open countryside Green Belt location. Not only is there considered to be greater harm to the openness of the Green Belt as a result of this hardstanding, but encroachment into the open countryside given that the site is in a sensitive open countryside location.

- 10.25 A new tennis court is also proposed to the north-east of the site. As specified above, Paragraph 149 (b) of the NPPF and Policy LP56 of the Kirklees Local Plan relate to outdoor recreation facilities. It is accepted that neither Paragraph 149 (b) of the NPPF or Policy LP56 state such facilities cannot be for private use. Nonetheless, the local and national policy state that such a facility should not have a greater impact upon the openness of the Green Belt and also not conflict with the purposes of including land within Green Belts. Policy LP56(b) also states that the facility should not introduce a prominent urban element into a countryside location. As the proposals would result in the loss of numerous existing large and mature trees and would subsequently be covered with a permeable full-size tennis court surface, Officers consider this element of the scheme to significantly alter the existing character and visual appearance, further urbanising this site in the open countryside, harming the openness of the Green Belt and encroaching into the open countryside.
- 10.26 Whilst the existing accesses to the site to the front and rear of the property are to remain unchanged, the middle access out on to Cold Hill Lane is to be blocked up due to it being 'unsafe'. Officers raise no concerns with regards to the removal of this access and welcome this amendment as it would help reduce the impact on the openness of the Green Belt if it could be reinstated as a landscaped area as shown on the submitted plans. However, Officers consider that the landscaping of this land would not sufficiently compensate the impact of the engineering operations including the tennis court upon the openness of the Green Belt.
- 10.27 Thus, Officers hold the view that these engineering operations and the tennis court would have a greater impact upon the openness of the Green Belt than existing, with certain elements encroaching into the open countryside, therefore these elements are also considered to constitute inappropriate development in the Green Belt.
- 10.28 The proposal also seeks to install a new septic tank to the south of the property to replace the existing old unit. The applicant's agent confirms that this replacement is required based on the introduction of new legislation on septic tanks. Officers have no comment to make on this replacement tank as it will be covered by a vertical reed bed and is considered to be visually acceptable in this location.
- 10.29 For the above reasons, Officers consider the development to constitute inappropriate development in the Green Belt with reference to NPPF Paragraph 149 criteria (b) (d) & (g) and Paragraph 150 criterion (b) as well as Policies LP56, LP57 and LP59 of the Kirklees Local Plan. Paragraph 147 of the NPPF outlines that 'inappropriate development is, by definition, harmful to the Green Belt', whilst Paragraph 148 states that local planning authorities should ensure

that 'substantial weight' is given to any harm to the Green Belt. Given this conclusion, it is necessary to now consider whether any other additional harm would accrue, and whether there are very special circumstances to outweigh such harm.

Whether there would be any other harm to the Green Belt, including visual amenity

- 10.30 In respect of the openness of the Green Belt, case law (Turner v Secretary of State for Communities and Local Government [2016] EWCA) establishes that the concept of openness is open textured and that several factors are capable of being relevant when applying it to the particular facts of a specific case. National Planning Practice Guidance (NPPG) broadly identifies openness as being divisible into spatial and visual aspects.
- 10.31 As noted above, Officers consider that the proposed dwelling would be materially larger than the existing dwelling at the site and therefore spatially have a greater impact upon the openness of the Green Belt than the existing dwelling.
- 10.32 As highlighted previously, Local Plan Policy LP57 (b) makes reference to the need for proposals to not result in a greater impact on openness in terms of the treatment of outdoor areas including hard standings, curtilages and enclosures and means of access. In addition to the increase in the size of the replacement dwelling, the scheme also includes the provision of a new full-sized tennis court, engineering operations to create the new basement level and additional areas of hardstanding. As established above, Officers consider that the large tennis court and significant engineering works would further increase the built development at the site thereby urbanising the site to a greater extent and having a much greater impact upon the openness than existing. This therefore adds to the harm to the Green Belt, and, for this reason, the development is considered to conflict with Policy LP57 (b) of the Kirklees Local Plan.
- 10.33 Within the submitted rebuttal letter, the applicant's agent outlines on several occasions that the proposals would not be openly visible from public vantage points and that additional screening and landscaping has been provided to help ensure that the scheme remains hidden from view. Whilst Officers appreciate this, openness is not judged solely on visibility as outlined above.
- 10.34 Whilst it is acknowledged that there is significant and mature planting outlining the boundary of the site, the proposed introduction of this large basement level, tennis court and associated hardstanding is considered to clearly and significantly undermine both spatial and visual aspects of openness. It is noted that the site is stepped back from the public highway and is located down private drives to both the front and rear, and therefore would not be highly visible expect when walking down the driveways, or PROW to the south. However, it is considered that the overall size of the proposals would be detrimental to the spatial aspects of openness and the point that it would be somewhat obscured from public view does not overcome the harm to openness, nor harm by reason of inappropriateness.

- 10.35 In terms of the purposes of including land within Green Belts, one such reason is to safeguard encroachment into the openness countryside. Due to the rural nature of this site, it does form an integral part of the countryside landscape and the proposal would result in the encroachment of urban form and activity into the countryside, especially the tennis court and hard surfacing.
- 10.36 Local Plan Policies LP57 and LP59 also note that the proposed design and materials should also have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting. The proposed design and materials are discussed in more detail within the visual amenity section of this report. However, as outlined further on, Officers consider there to be harm to the visual amenities of the Green Belt too.
- 10.37 Thus, Officers hold the view that the harm to the visual amenities of the Green Belt and the openness of the Green Belt, as well as the harm by reason of conflict with one of the purposes of including land within Green Belts, add to the substantial harm to the Green Belt by virtue of the inappropriateness of the proposed development.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

- 10.38 In accordance with Paragraph 148 of the NPPF, consideration must be given as to whether the application has any very special circumstances which clearly outweigh the harm to the Green Belt caused by reason of inappropriateness and other harm.
- 10.39 The applicant's agent has provided a rebuttal to Officers comments given via email on 25th August 2022. Within this rebuttal the applicant's agent outlines that the loss of trees, are to be replaced with native species and will therefore provide a greater species diversity at the site. In addition, the architectural and environmental quality of the proposed dwelling should be taken into account when assessing the overall impact of the development proposals.
- 10.40 These points are noted, and are discussed throughout the Officer's report, but Officers consider that these arguments cumulatively fall substantially short of constituting 'very special circumstances' that would outweigh the harm caused to the Green Belt as identified by Officers above. Of note, Officers have significant concerns with the design of the proposed development in this sensitive open countryside location.
- 10.41 Officers therefore consider the principle of development in the Green Belt unacceptable in this case on the basis the proposal would constitute inappropriate development in the Green Belt, whilst also causing harm to the openness of the Green Belt and conflicting within one of the purposes of including land within Green Belts. Officers hold the view that very special circumstances have not been demonstrated to outweigh this identified harm to the Green Belt. The proposal is therefore contrary to Green Belt policy set out within Chapter 13 of the NPPF, Policies LP56, LP57 and LP59 of the Kirklees Local Plan and Policy 6 of the Holme Valley Neighbourhood Development Plan.

Impact on Visual Amenity

10.42 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”.

10.43 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also 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.

10.44 Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

10.45 Policy 1 of the Holme Valley Neighbourhood Development Plan HVNDP sets out that development proposals should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), Settled Slopes of the Holme Valley (LCA8).

10.46 Policy 2 of the HVNDP states that proposals should be designed to *“minimise harmful impacts on general amenity for present and future occupiers of land and buildings”* and [proposals] *“should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”*.

10.47 Principle 2 of the 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.

10.48 It is pertinent to note that key landscape characteristics of the Settled Slopes of the Holme Valley (LCA8) (as outlined within Principle 1 of the Holme Valley Neighbourhood Development Plan) include that the area has a strong rural setting and agricultural character with pastoral farmland on the rising valley slopes. There is also a strong connection to the surrounding landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides, as well as glimpsed views of the rural backdrop through gaps between the built form.

- 10.49 The application site is located within a large residential curtilage stepped back from highway via private drives to both the front and rear. Other residential dwellings can be found dispersed throughout the vicinity however, the immediate area is typically undeveloped. Properties within this location comprise mainly of two-storey large, detached dwellings set within large grounds.
- 10.50 Principle 5 of the above SPD states that buildings should be aligned and set-back to form a coherent building line. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.
- 10.51 Principle 15 of the Housebuilders Design Guide SPD 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. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality. Principle 14 of the Housebuilders Design Guide SPD 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
- 10.52 In terms of the layout of the proposed dwelling, plans submitted display the dwelling being of a similar orientation to the existing property, with the front elevation facing to the north towards the main entrance driveway. As discussed previously, due to the rural nature of the area, dwellings in this location typically comprise of relatively large, detached properties set in generous sized grounds. Therefore, there is no specific building line in which the applicant would need to follow. Overall, Officers hold the view that the siting and layout of the dwelling is generally acceptable, and the proposal is in accordance with Principle 5 of the SPD.
- 10.53 In relation to scale, massing and appearance of the proposed dwelling, it is to provide living accommodation across three storeys, albeit it will only be viewed as a two-storey dwelling to the north, east and west. The dwelling is to be linear in form with single storey protrusions to the front to provide a snug area and utility room. Balconies are also to be provided at first floor level to both the front and rear, alongside 4 gable ends which are discussed in more detail below.
- 10.54 A dwelling of three-storeys in height utilising a pitched roof design throughout. Is considered to be broadly reflective of other properties within the immediate area.
- 10.55 However, there are 4 gable protrusions above single storey height proposed to the dwelling which increase the scale and massing and complicate the form of the dwelling. These gables are to be between 1.5-2 storeys in height and comprise of floor to ceiling glazing. Though it is accepted that the dwelling is viewed on its own within the site and that there are gable elevations on the existing dwelling, these gables are more traditional in character and provide a significantly reduced amount of glazing within them, ensuring that they do not appear overly dominant within the context of the site.

- 10.56 The applicant's agent notes within the submitted rebuttal letter that similar glazed gable ends can be found within neighbouring properties located immediately adjacent to the site. Officers would state that each application is based on its own merits however, the glazed gable end in which the agent refers to is considered to have a significantly lesser impact on the host dwelling and Green Belt given its scale, size and as it sits flush with the elevation rather than protruding out, thus appearing substantially less dominating than the multiple 1.5-2 storey bulky glazed gables proposed within this application. These gables are considered to significantly add to the massing and scale of the overall dwelling and create a dwelling of a form and scale that is not sensitive within the open countryside location.
- 10.57 Furthermore, the large expanses of glazing on these gables are considered to exacerbate the harm these gables cause, as such glazing would result in insensitive alien features within the open countryside location and have the potential to constitute a visual intrusion, most specifically at night when these areas of the home are lit, creating an intensity of use and potential disturbance within this rural Green Belt setting. It is acknowledged that the applicant's agent does note within the submitted rebuttal letter that the window heights have needed to increase to maximise solar gains within the winter months. Whilst solar gain is important and supported by the Council, this is not deemed to be sufficient to overcome Officers' concerns as additional glazing could be provided within the dwelling without the need for this large gable end protrusions being erected.
- 10.58 In terms of materials on the dwelling, it is noted that the site is located within Landscape Character 8 within the Holme Valley Neighbourhood Development Plan, and key built characteristics of the area include vernacular building materials such as millstone grit walls and grey slate roofs. In this instance the proposed dwelling is to be constructed using natural stone, stone slate roof tiles with ashlar stone surrounds and a green oak canopy.
- 10.59 Whilst the majority of the proposed materials are considered to be sympathetic to the existing dwelling and other adjacent neighbouring properties, Officers do have significant concerns in respect of the large two-storey green oak canopy which is to be located on the southern elevation of the dwellinghouse. The use of this type of material at this scale is not considered to be traditional in appearance or reflective of the existing host dwelling or locality and therefore is deemed to be incongruous in this sensitive location.
- 10.60 In terms of detailing, in this instance the replacement dwelling is to include PPC aluminium windows in the colour cream throughout the property, these are mostly traditional in appearance given their size and that they are to be fitted with ashlar stone surrounds. Whilst the aluminium windows are somewhat of a contemporary design when compared to what currently exists at the site, this material is deemed to be sympathetic and therefore is not considered to be an incongruous addition. However, as discussed above, there are significant concerns with the large expanses of glazing on the gable projections.
- 10.61 Principle 8 of the above SPD highlights that for all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings. In this instance the proposed dwelling is to be set on a higher ground due to the sloped topography of Cold Hill Lane. However, the applicant

has demonstrated within the submitted rebuttal letter dated 31st August 2022 that the site is not highly visible from public vantage points, and Officers would support this claim as seen when undertaking a site visit. Nonetheless, the as outlined above, the proposed dwelling, by virtue of its overall scale and massing as well as appearance, is considered by Officers to be an incongruous and alien feature within the locality that fails to respect local character.

- 10.62 Further to above, the engineering works including the tennis court, excavation and new hard surfacing areas are considered to inappropriately urbanise this site which sits within a sensitive open countryside location, thereby causing further harm to the character of the area.
- 10.63 In conclusion, taking the above assessment into account, the proposed size, scale and design of the proposed glazed gable ends, and large green oak canopy are considered to be overly dominant and out of character with the area, creating alien features within the rural area. In addition, the extensive engineering works including tennis court, excavation and hard surfacing, would result in an urbanising form of development in this sensitive open countryside location. It is therefore considered that the proposal causes detrimental harm to the rural character of the area and that the proposal is contrary to Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2, 13, and 14 of the Council's adopted Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.64 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.
- 10.65 Further 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.
- 10.66 Policy 2(10) of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.
- 10.67 Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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.”*
- 10.68 The application site is located approximately 100+ metres away from the nearest neighbouring residential properties. For this reason and considering that the application site is heavily screened by existing and mature landscaping, there are no significant concerns in respect to the proposals appearing overbearing in nature or causing issues with overlooking or overshadowing.

Amenity of future occupiers of the proposed dwelling

- 10.69 Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*
- 10.70 Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least 1 window too. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.
- 10.71 In terms of amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character / context of the site is provided. In this case it is considered that the amount of outdoor amenity space provided for the proposed dwelling would be adequate with three areas which could be utilised for various activities, including space to the front of the property, which is sufficiently screened from public views, thus creating an area of private amenity space.
- 10.72 In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24(b) of the Kirklees Local Plan and Policy 2(10) of the HVNDP in terms of the amenities of neighbouring properties, as well as Principles 6, 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Highway issues

- 10.73 Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.74 Policy 11 of the HVNDP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (parking) and the Council's latest guidance on highways design.
- 10.75 Principle 12 of the Housebuilders Design Guide SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. Principle 19 of the Housebuilders Design Guide SPD also states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

- 10.76 In terms of parking provision, the Kirklees Highways Design Guide SPD outlines that Kirklees Council has not set local parking standards but notes that as an initial point of reference for residential development, 4+ bedrooled dwellings should provide at least 3 off-street parking spaces. In this case there is considered to be adequate space for at least 3 vehicles on the proposed driveway and integral garage within the basement. The proposed dwelling will utilise existing entrances to both the front and rear of the site, whilst also removing the existing access road in the middle of the site.
- 10.77 Bin storage is proposed to the front of the site adjacent to the entrance gate to the north.
- 10.78 Kirklees Highways Development Management raise no objections to the proposals subject to conditions and informatives relating to areas to be appropriately surfaced and drained for parking, and the carrying out of works within the highway. Officers concur with the advice provided from Kirklees Highways Development Management.
- 10.79 For the aforementioned reasons, subject to an appropriately worded condition, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD, Policy 11 of the HVNDP and Chapter 9 contained within the National Planning Policy Framework.

Other Matters

Trees

- 10.80 Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. This Policy sets also out that where trees loss is deemed to be accepted, developments will be required to submit a detailed mitigation scheme.
- 10.81 Policy 2 of the Holme Valley Neighbourhood Development Plan outlines that any significant trees on the site should be retained and incorporated in the new design.
- 10.82 Whilst no trees within the application site are subject to a Tree Preservation Order and the majority of the trees requiring removal are considered to be of limited visual amenity to the surrounding area, the Council's Tree Officer has raised concerns in relation to the number of trees to be removed. 55 trees are outlined within the submitted plans to be removed to facilitate the proposed development. Whilst of limited amenity, these trees do provide some wildlife habitat and green infrastructure, and therefore should be appropriately mitigated to maintain and increase future tree cover. The Council's Tree Officer highlights that if this scale of tree removal work were desired outside of this planning application, it would likely require an application for a felling license from the Forestry Commission who would likely specify a restocking notice, with the Council's view being no different.

- 10.83 The Tree Officer has stated that the tree loss mitigation detail within the tree report is very limited. The Tree Officer would therefore wish to see more information on replacement trees including their size, scale, location and a suitable aftercare/maintenance programme to ensure the best chance of successful tree establishment.
- 10.84 The tree report specifies a replanting ratio of 1:1 which would be a minimum requirement if the replacement trees were at least of standard size. Given the available space within the property's curtilage it is recommended that a significant area be replanted, possibly as a new woodland area to the south-east of the site on the other side of the track with mixed native species of whips and the addition of some individual standard specimens being planted around the property. Notwithstanding the submitted tree survey the Tree Officer would like to see a Tree Protection Plan displaying details of where the protective fencing will be installed, as well as a suitable landscaping scheme, which appropriately mitigates the tree loss giving specific detail of the tree size, species, location and programme of aftercare. This can be secured via condition should planning permission be granted.
- 10.85 The applicant's agent responded to the above comments outlining that these trees are not high in value and that all lost trees will be replaced with native species to provide greater species diversity within the site. In addition, the agent notes that a large portion of the trees to be removed is due to the need to replace the existing septic tank, which is necessary to meet the requirements set out in new legislation on septic tanks. The applicant's agent also highlights that the south-east of the site is not available for tree planting as it is used by a farmer to grow hay for livestock, although there are no agricultural tenancies in place as the farmer is a friend of the applicants, meaning that this is an informal agreement. Finally, the applicant's agent also reiterates that the application is for the replacement of an existing private dwelling rather than a large-scale commercial development and therefore believe that a 1:1 replacement tree strategy is adequate in this instance.
- 10.86 Given the assessments made under the principle of development section of this report, Officers did not seek further advice from the Tree Officer with respect to the agent's additional comments, as this was due to the proposal being wholly unacceptable as submitted. Should Officers support the principle of a similar scheme in the future, clarification would need to be sought and details agreed with respect to the additional and proposed planting. Officers would expect mitigation planting so that the proposal is in accordance with Policy LP33 of the Kirklees Local Plan and this can be conditioned if permission is to be granted.

Biodiversity

- 10.87 Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Development Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats. Policy 13 also seeks biodiversity net gains.
- 10.88 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

- 10.89 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.90 Principle 9 of the Kirklees Housebuilders Design Guide SPD states that: *“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development. At the outset of the design process the wildlife habitat network and Habitats of Principal Importance should be considered in addition to protected species and the maintenance and management arrangements for any wildlife spaces need to be clearly set out.”*
- 10.91 Whilst it is acknowledged that the application site is not located within a Bat Alert Area, it is located adjacent to this area and comprises of a number of mature trees. The proposals seek to demolish the existing dwelling and replace it with a new property. The Council’s Ecology Officer was therefore consulted on the application.
- 10.92 A Preliminary Ecological Appraisal (PEA), including a bat scoping assessment have been submitted with the application. The Ecology Officer welcomed these documents and stated that within the PEA a number of mitigation measures and recommendations for enhancements are outlined, which should be adhered to throughout the development.
- 10.93 The bat scoping assessment confirmed that a roost was present in the south-eastern section of the building and therefore prior to any material works on the building a Natural England bat mitigation licence will be required. The survey also identified that other areas of the building that were not accessible at the time of survey held bat roosting suitability and should be subject to additional surveys. The Council’s Ecology Officer has raised no objections to these findings but has recommended a pre-commencement condition requesting further ecological surveys being undertaken and used to prepare an Ecological Impact Assessment focussing on bats, along with a condition requesting details of a suitable replacement bat roost should one be discovered.
- 10.94 In addition to the above, the Council’s Ecology Officer has noted that the proposals have not demonstrated a biodiversity net gain in accordance with local and national policy. Officers hold the view that the development proposal should aim to incorporate a number of enhancements into the proposed development in order to ensure development can be brought forward in line with local and national policy. The Council’s Ecology Officer therefore has also requested a condition regarding the installation of an integral bat box.

Climate Change

- 10.95 On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

- 10.96 Principle 18 of the Housebuilders Design Guide sets out that new proposals should 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. Proposals should seek to design water retention into proposals.
- 10.97 This is echoed by Policy 12 of the Holme Valley Neighbourhood Development Plan which states that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions. Policy LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.
- 10.98 In this case the application seeks to provide a ground source heat pump, super insulated walls, Low U values and air tightness of 3 air change per hour at 50pa, locally sourced materials, reed bed infiltration system, LED lighting throughout, photovoltaic panels and electric vehicle charging points, all to comply with AECB Low Energy Dwelling standards. Within the submitted Design & Access Statement the applicant's agent also highlights that natural light is a prominent part of the environmental strategy of this proposal and that the scheme seeks to incorporate large areas of glazing to the east, south and west sides of the building. Should permission be granted, conditions could be attached to secure the installation of the solar panels, electric vehicle charging points and ground source heat pump.
- 10.99 Taking the above into account, the proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD, Policy 12 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the National Planning Policy Framework.

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 proposed development would not constitute sustainable development and is therefore recommended for refusal as the proposal is considered to constitute inappropriate development in the Green Belt, whilst also causing harm to the openness of the Belt and conflicting with one of the purposes of including land in Green Belts. Officers consider that very special circumstances to outweigh the identified harm to the Green Belt have not been demonstrated. Furthermore, the proposal is considered to result in an overly-dominant dwelling and urbanising form of development that causes detrimental harm to the rural character of the area. It is therefore considered that the proposal would be contrary to Policies LP1, LP2, LP22, LP24, LP56, LP57 and LP59 of the Kirklees Local Plan, Policies 1, 2 and 6 of the Holme Valley Neighbourhood Development Plan, Principles 2, 13 and 14 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 13 of the National Planning Policy Framework.

Background Papers:

Application and history files.

Available at:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/91154>

Certificate of Ownership

Certificate A signed.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Oct-2022

Subject: Planning Application 2022/91630 Erection of two storey side and single storey rear extensions 15, Dorchester Road, Fixby, Huddersfield, HD2 2JZ

APPLICANT

Tony Sandhu

DATE VALID

11-May-2022

TARGET DATE

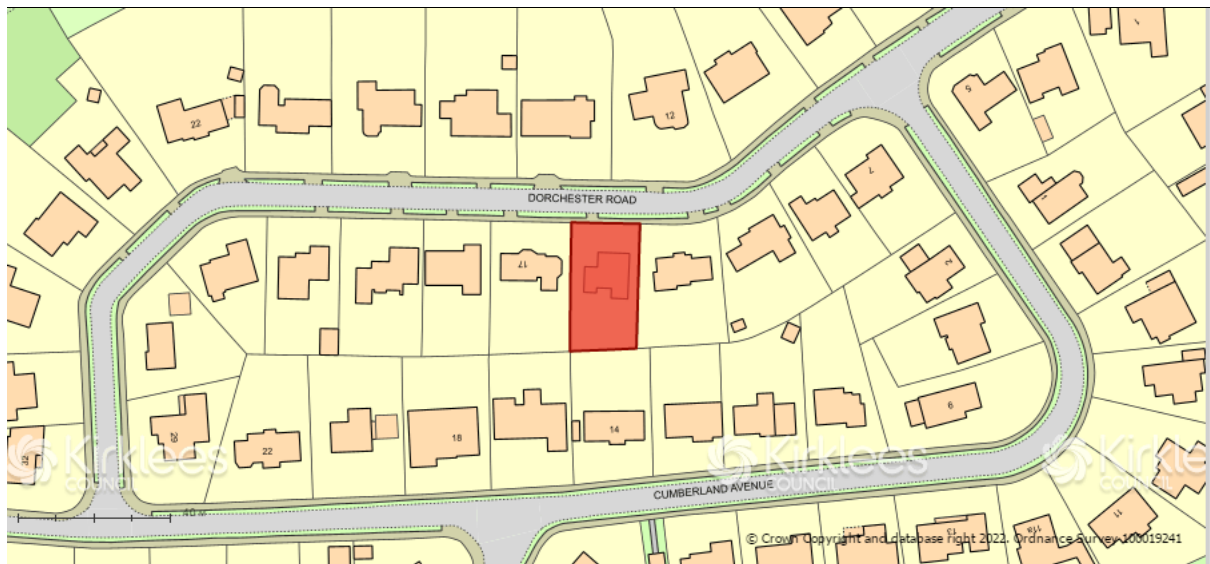
06-Jul-2022

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: Ashbrow

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The proposed two storey side extension combined with the single storey rear extension, by reason of their size, scale and design would appear discordant and incongruous within the application site and in the street scene. The extensions would not be subservient to or respect the host dwelling's original built form. The proposed scheme would be an unsympathetic form of development and would harm the character and appearance of the area and the host building. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Government Policy contained within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is brought to Planning Sub Committee at the request of Ward Councillor Amanda Pinnock who has provided the following reason:

"I do not believe the development will have a visual impact on the area and in my view the size requested is reasonable."

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

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to 15 Dorchester Road, Fixby, a two-storey detached dwelling designed within a distinctive mock-Tudor frontage. The building benefits from a dual pitched gable at first floor over a large bay window at ground floor, and these project from the main body of the dwelling. Materials consists of stone, brickwork and render. To the front, the property benefits from a landscaped area and a driveway, along with private amenity space to the rear. To the west side is an attached garage with a flat roof. Pedestrian and vehicular access can be taken from the northern boundary onto Dorchester Road. Boundary treatment predominantly consists of timber fencing, hedging and stone walling with railings above.

2.2 The site is situated within a wider residential area, whereby the neighbouring properties are detached, relatively large in size and scale and vary in design and form. The site is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 This seeks the erection of a two-storey side extension with an adjoining single storey rear extension. The measurements of the side extension element would be 6.3m in overall width, 8.7m in overall depth with an overall height of 8.5m. This side extension would have a hipped roof, but would also include a small flat roofed element to the front that would be flush with the front wall of the dwelling. The rear extension would be a maximum of 5.5m in projection, 9.4m in overall width and 3.7m in overall height. This element would have a lean-to roof, with a wide gable protruding beyond this.
- 3.2 The attached garage would be demolished as part of this proposal.
- 3.3 The extensions would be faced in a mixture of stone and render to match the materials used on the host property, with a tiled roof. The additional windows and doors would also be constructed from white UPVC frames to match the existing. The resultant extension would provide 3no. bedrooms, bringing the total number of bedrooms in the dwelling to six. On the ground floor a small self-contained spice kitchen would be formed together with an open plan family living/dining kitchen space. The latter would be a single open plan room of approximately 78 sq metres.
- 3.4 On-site parking would be retained on the driveway to the front of the dwelling.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

At the application site

- 4.1 2021/90775 – Erection of two storey side and single storey rear extensions and front and rear dormers – Refused on 29th July 2021 and appeal dismissed on 21st January 2022.

Neighbouring properties

- 4.2 No recent planning permission at any nearby properties.

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

- 5.1 The Officer contacted the agent to outline the significant concerns in relation to the size and scale of the extensions proposed. A reduced scheme was proposed following this. However, the amended plans only removed the front and rear dormers, and this did not overcome the concerns of Officers and the application is recommended for refusal. These plans were received on 13th July 2022.

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).

The site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP34** – Conserving and enhancing the water environment
- **LP51** – Protection and Improvement of Local Air Quality

6.3 Supplementary Planning Guidance / Documents:

- House Extensions and Alterations SPD
- Highways Design Guide SPD

6.4 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 23rd June 2022, whereby 4 representations have been received, all objecting to the application. A summary of the concerns raised are as follows:

Visual amenity:

- The revised design shows the dormer window to be even higher than the previous application.
- The dormer will cause a visual intrusion.
- The second floor extension is very large and inappropriately scaled for this area, as it would not be in keeping with the general design and character of the houses in this residential area.
- There are no other dormers on the second floor of any houses in the vicinity.
- This dormer will be very displeasing to the eye.

Residential amenity:

- Objections raised in terms of overlooking/loss of privacy from the dormer proposed on the 2nd floor.

General concerns:

- This application is an amended version and all previous objections remain valid.
- Fail to understand why the applicant is applying for planning permission again when a similar proposal was refused by Kirklees Council and dismissed at appeal (ref: APP/Z4718/D/3283629).
- Potential impact on the value of neighbouring properties.

7.2 The application was not re-advertised on receipt of the amended plans due to the minor amendments proposed which reduced the scheme by removing the front and rear dormers.

8.0 CONSULTATION RESPONSES:

None necessary.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity and urban design issues
- Residential amenity
- Highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

10.2 Policy LP1 of the Kirklees Local Plan goes on further to state that: *“The Council will always work proactively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”*.

10.3 In this case, it has been considered that the principle of development could be acceptable subject to the assessment of impacts on visual and residential amenity and highway safety, as well as other material considerations relevant to this case. This will be discussed below.

Background

- 10.4 The previous application at the site (ref: 2021/90775) which included the erection of two storey side and single storey rear extensions and front and rear dormers is a material consideration and will be afforded weight as part of assessing this application. This application was refused by the Council for the following reason:

“The proposed two storey side extension, by reason of its size, scale and design would appear discordant and incongruous in the street scene and would not be subservient thereby failing to relate to or respect the host dwelling’s original form. The proposed scheme would be an unsympathetic form of development that would harm the character and appearance of the area and the host building. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, paragraph 4.5 of the Council’s Supplementary Planning Document on House Extensions and Alterations and advice within the National Planning Policy Framework.”

- 10.5 The decision to refuse the application was subsequently appealed and the appeal was dismissed. The Inspector in their decision letter stated the following:

“Its scale and size would subsume the existing property resulting in it appearing overly large within the street scene. This dominance would be further exacerbated by the size and quantum of the proposed dormer windows, which would result in a proposed extension which would appear dominant and incongruous against the existing property and the street scene, not rendering it to be subservient to the host property.

The appellant has drawn my attention to local examples of planning approvals for extensions, however I consider that these are not directly comparable, principally in terms of the scale of the development proposed. I therefore attribute minimal weight to these examples in the consideration of this appeal.

For the reasons given, the proposed development would not accord with Parts (a) and (c) of Policy LP24 of the Kirklees Local Plan (KLP) (adopted February 2019), which seek to ensure good design with regards to the form, scale and layout of all development, so that it respects and enhances the character of the townscape, and that extensions are subservient to the original building, are in keeping with existing buildings in terms of scale, materials and details and minimise impact on the residential amenity of future and neighbouring occupiers. For the same reasons the proposed extension would not accord with Paragraph 4.5 of the Council’s House Extensions and Alterations Supplementary Planning Document (the SPD) (adopted June 2021), which advises that extensions should normally be smaller in scale than the original property and set back from the existing building line, that two-storey extensions should be set down from the ridge line and generally smaller in footprint and that the materials, design, roof pitch and detailing should normally match the existing house detailing.

It would also conflict with Paragraph 130 of the National Planning Policy Framework (the Framework), which states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment. At paragraph 134, the Framework advises that development that is not well designed should be refused.

I therefore consider that the proposed development would have an unacceptable effect on the character and appearance of the area, with particular regard to the street scene and would therefore conflict with Parts (a) and (c) of Policy LP24 of the KLP (2019) and the Council's SPD (2021), details of which I have outlined above. It would also conflict with relevant paragraphs of the Framework as stated."

- 10.6 In this instance, Officers do not consider the above concerns have been fully addressed as part of the new application.

Visual amenity and urban design issues

- 10.7 Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP24(c) of the Kirklees Local Plan states these should be 'subservient to the original building' and 'in keeping with the existing building in terms of scale, materials and details.'
- 10.8 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well-designed plans) where paragraph 126 provides an overarching consideration of design stating that: *"the creation of high-quality buildings and places are 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."* Paragraph 130 of the NPPF states that planning decisions should ensure developments are sympathetic to local character, including the surrounding built environment.
- 10.9 With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:
- Principle 1 – that: *"extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene."*
 - Principle 2 – that: *"extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail."*
- 10.10 Section 5 of the House Extensions and Alterations SPD also provides guidance for specific types of extensions and alterations which will be referred to in this assessment.

10.11 In this case, it has been noted that the existing attached garage will be demolished and replaced with the two-storey side extension. To the rear, a 5.5m single storey extension has been proposed, which will adjoin an existing rear extending element.

Two storey side extension

10.12 Section 5.3 of the House Extensions and Alterations SPD relates to side extensions, with paragraph 5.19 of this SPD stating that: *“Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area”*.

10.13 Paragraph 5.20 of the SPD goes onto state that: *“Two storey side extensions should:*

- *not take up all or most of the space to the side of a house;*
- *maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and*
- *be set back at least 500mm from the front wall of the house.”*

10.14 In this case, whilst the side extension would be set down from the ridge on the main property, it would be of a significant size and scale and therefore would not appear subservient to the host property, contrary to Principle 2 of the House Extensions and Alterations SPD. Of note, the side extending element would almost be a similar width to the main body of the dwelling. Officers also consider the character and form of the original dwelling would be lost as a result of the works proposed. The Planning Inspector held such concerns in relation to the refused scheme at the site for a side extension of a relatively similar scale, and this is considered to be a material consideration of significant weight when assessing this current application. Of note, the decision letter by the Planning Inspector states that the extension’s *‘scale and size would subsume the existing property resulting in it appearing overly large within the street scene.’* The Planning Inspector’s decision letter goes on to note that this extension *‘would appear dominant and incongruous against the existing property and the street scene, not rendering it to be subservient to the host property.’* The side extension, whilst maintaining a 1m gap to the boundary, would take up most of the space to the side of the house and result in a plot coverage that would be at odds with the more verdant character of the surrounding dwellings.

10.15 In addition to the above, the flat roof element to the front of the side extension would fail to sympathetically relate to the roof form of the dwelling and would contribute to complicating the design of the dwelling as well as add to the overall bulk of the side extension.

10.16 Notwithstanding the above, it has been noted that the wider street scene is dominated by large, detached dwellings and there is space to the side of the main body of the dwelling. Therefore, it is considered that the principle of extending the property is acceptable, subject to the size, scale and form of the extension proposed. However, Officers consider that the design and scale of the side extension proposed under this application is unacceptable.

Single storey rear extension

10.17 Section 5.1 of the House Extensions and Alterations SPD provides guidance for rear extensions. Paragraphs 5.1 and 5.2 within this section of the SPD state that:

“Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:

- *Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;*
- *Being set behind the original building, and not projecting beyond the sides; and*
- *Maintaining external access to the rear garden.*

As a general rule, a rear extension should:

- *respect the original house and garden in terms of its size and scale;*
- *use appropriate materials which match or are similar in appearance to the original house; and*
- *not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.”*

10.18 Paragraph 5.5 of the SPD goes on to state that: *“Single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours.”*

10.19 Paragraph 5.6 of the SPD further states that single storey rear extensions should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

10.20 In this instance, it has been noted that the rear extension would not be in keeping with the style of the existing house, with the dual pitch roof adding a further element of a complex and incongruous design. The projection of the extension would be 5.5m and therefore greater than the scheme previously refused (by approximately 2m). However, in this case, due to the slight inset from the side wall, the extension would retain a separation distance of 1m to the side boundary. Nonetheless, having taken into account all points raised

above, it has been considered that the rear extension would fail to accord with the guidance provided within paragraph 5.6 of the House Extensions and Alterations SPD.

- 10.21 Further to this, as noted above Officers consider that the side extension in isolation would appear dominant and incongruous against the existing property and the street scene, not rendering it to be subservient to the host property. Thus, Officers are of the view that the sizeable single storey extension would only exacerbate the issue of the proposed development dominating the existing dwelling. The discordant design of the various extensions serve to increase the visual disruption they would cause to the host property.
- 10.22 Whilst it is accepted there are examples of planning approvals for extensions in the locality, Officers consider these are not directly comparable to this case, principally in terms of the scale of the development proposed.
- 10.23 In terms of materials, the extensions would be faced in stone and render with tiled roofs to match the host property. Such materials are considered acceptable, in general, by Officers but this does not overcome the visual harm the design and appearance of the extensions would cause.
- 10.24 With regards to fenestration, the windows proposed would also somewhat be in keeping with those that currently exist. To the rear large bi-folding doors are proposed. This will create a flexible space for the occupants and aid passive solar gain. Lastly, two small roof lights to the front roof slope and one to the rear have been proposed. These are adequately sized and would be located up from the eaves and down from the ridge. As such, no concern is raised in this respect.
- 10.25 Notwithstanding the above, it has been considered that the proposed side and rear extensions would result in a dominant, unsympathetic and incongruous extension to the host building, which would not be subservient to the dwelling, thereby detrimentally harming the character and appearance of the dwelling in the wider area. The proposal would therefore be contrary to Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 within the Council's adopted House Extensions and Alterations SPD and Chapter 12 of the NPPF.

Residential amenity

- 10.26 Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

- 10.27 Further 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.

10.28 The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity. These include:

- Principle 3 - that *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."*
- Principle 4 - that *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook."*
- Principle 5 - that *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."*
- Principle 6 - that *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*
- Principle 7 - that *"extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."*

10.29 The impact of the development on each of the surrounding properties most likely to be impacted by the proposal will be assessed in turn.

17 Dorchester Road

10.30 17 Dorchester Road is the neighbouring property to the west side of the application site. It has been noted that these neighbours would likely be the most impacted by the works proposed. Nonetheless, it appears that the main bulk and massing contained within the side extension would be adjacent to these neighbour's somewhat blank elevation, other than the existing curved windows. However, it appears that these are likely to be secondary to the existing front and rear openings. Therefore, it has been considered that on balance, any overbearing and overshadowing, as well as impact on light and outlook, would not be undue. The submitted plans also show only one additional window to be inserted into the side elevation at first floor level, which would serve an en-suite. It is noted that this would be obscurely glazed, therefore helping to prevent clear views from this window over No.17 and should permission be granted it could be conditioned that this window is to be obscurely glazed and fixed shut apart from any top opening element.

10.31 In terms of the rear extension, this would be at single storey height, but would benefit from a complex roof form. A separation distance of 4.5m would be retained to these neighbours nearest side and rear elevations, however, principle 5 seeks to ensure that extensions do not adversely affect the amount of natural light presently enjoyed by a neighbouring property.

10.32 As such, paragraph 4.17 of the House Extensions and Alterations SPD states that when assessing the impact of overshadowing on neighbouring properties, the Council will, as a starting point, have regard to the horizontal 45 degree guidelines. That is, a line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45 degree, 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 to the neighbouring property.

- 10.33 In this case, a line has been drawn from the nearest window at ground floor, where by an angle of 42 degrees would be retained. Whilst this is marginally less than the 45 degrees previously outlined, Officers have noted that there would be sufficient boundary treatment in place which would already have some impact upon this opening. Therefore, it is considered that any additional bulk and massing would not have a detrimental impact. Lastly, the submitted plans show no new openings to be inserted into the western facing side elevation of the rear extension, which would help mitigate overlooking. In the case of an approval, permitted development rights for new openings could be removed.
- 10.34 Overall, given the above, it has is considered that the proposal would not have a detrimental impact upon the amenity of No.17.

13 Dorchester Road

- 10.35 13 Dorchester Road is the neighbouring property to the east side off the application site. It has been assessed that there would be some impact upon these neighbour's amenity as a result of the additional built form proposed. However, in this instance it has been acknowledged that the two storey extension would be to the opposite side of the host property and would not exceed the existing ridge roof line. As such, any overbearing, overshadowing and overlooking from the proposed two storey side extension would not be much greater than the existing situation.
- 10.36 With regards to the rear extension, this would be single storey in height and would be situated to the opposite side of an existing rear projecting element and decked area. In addition, a separation distance in excess of 10m would be retained to these neighbours nearest side elevation along with 7.4m to the shared boundary. As such, Officers are satisfied that there would be no undue overbearing, overshadowing or overlooking to No.13 as a result of the development proposed.

Other neighbouring properties

- 10.37 14 Cumberland Avenue is the neighbouring property to the rear of the application site. A separation distance of at least 25m would be retained and therefore, any overbearing, overshadowing or overlooking from the additional bulk, massing and openings contained within the extensions would not have a detrimental impact upon these neighbour's amenity. The submission of amended plans deleting the proposed dormer windows has overcome previous concerns raised as to overlooking/loss of privacy to residents along Cumberland Avenue.
- 10.38 12 and 14 Dorchester Road are the neighbouring properties to the north of the application site. There would also be a separation distance of approximately 28m retained between these neighbours, including a highway. As such, undue harm to these properties in terms of overbearing, overshadowing or overlooking would be prevented.
- 10.39 In relation Principle 7 of the House Extensions and Alterations SPD, the property would benefit from a good area of garden should the extensions be developed, therefore the proposal is considered to comply with Principle 7 of this SPD

10.40 In summary, the proposal would have an acceptable impact on residential amenity and would be compliant with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF in respect of residential amenity, as well as Principles 3-7 of the House Extensions and Alterations SPD.

Highway safety

10.41 Principle 15 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should maintain appropriate access and off-street ‘in curtilage’ parking.”*

10.42 The existing attached garage to the west of the application site would be demolished as part of this permission. In this instance, no compensatory parking has been provided, nor has it been identified on a plan. It is considered that should the extensions be developed, the existing driveway would only be able to accommodate 1 car. The Kirklees Highways Design Guide SPD and the House Extensions and Alterations SPD set out that 4+ dwellings should be served by 3 off-street parking spaces. In this case the resultant dwelling would have 6 bedrooms.

10.43 Consideration could be given to extending the driveway. However, Paragraph 4.43 of the House Extensions and Alterations SPD outlines that: *“Where alternate parking areas are required in the property boundary, careful consideration should be taken to retain as much of the garden boundary and soft landscaping as possible. Proposals should not result in street scenes dominated by large areas of hard surfaces and parked cars. Where parking surfaces are in the curtilage of the dwelling these should be permeable and preferably finished with a natural material.”*

10.44 Nonetheless, the application site benefits from a generous front garden and Officers consider that only a relatively small area of it would have to be converted into hardstanding in order to provide a sufficient level of on site parking. In this instance, a 6 bedroom property would require 3 on site parking spaces. Further details of this could be conditioned should permission be granted.

10.45 Therefore, having taken into account the above, it is likely that an acceptable level of parking could be achieved on site without dominating the front of the property, in the case of an approval. Subject to a condition, it is considered that the proposal would accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF, Principle 15 of the House Extensions and Alterations SPD and the guidance within of the Council’s Highways Design Guide SPD.

Other matters

Climate change

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 Principles 8-11 of the House Extensions and Alterations SPD relate to planning for climate change. Of note:

- Principle 8 (Energy Efficiency) states: *“Extensions and alterations should, where practicable, maximise energy efficiency.”*
- Principle 9 (Construction Materials) states: *“Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.”*
- Principle 10 (Renewable Energy) states: *“Extensions and alterations should consider the use of renewable energy.”*
- Principle 11 (Water Retention) states: *“Extensions and alterations should consider designing water retention into the proposals.”*

10.48 In this case, due to the nature of the proposal, it is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extensions would be partly finished in stonework, which is a high quality natural material. The extensions would also aid passive solar gain and would be constructed to modern specifications to ensure thermal efficiency. More specifically, in the case of an approval, a condition could be attached to the decision notice to state that any new hardstanding required to facilitate the development would need to be laid in a permeable surface. This is to accord with Policies LP28 and LP34 of the Kirklees Local Plan and the aims of Chapter 14 of the NPPF, as well as Principles 14 and 15 of the House Extensions and Alterations SPD.

Biodiversity

10.49 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 if 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.

10.50 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.”*

10.51 In this instance, careful attention has been paid to look for evidence of bat roost potential during the site visit. In this instance, the property appeared well-sealed around the eaves and roof area. The agent submitted a self-certification statement to conclude there was no opportunity for bats to roost on site. The garage to be demolished is also single storey with a flat roof and therefore unlikely to support roosting bats. In terms of net gains, should permission be granted the installation of a bat box could be conditioned. Therefore, the development is considered to comply with the aforementioned policies.

Waste storage and collection

10.52 Principle 16 of the SPD states that extensions and alterations should maintain appropriate storage arrangements for waste. It is considered that the existing arrangements would not significantly alter as a result of the proposal.

Representations

10.53 As a result of the above publicity, 4 representations have been received, all objecting to the application. A summary of the concerns raised along with officer correspondence are as follows:

Visual amenity:

- The revised design shows the dormer window to be even higher than the previous application.
- The dormer will cause a visual intrusion.
- The second floor extension is very large and inappropriately scaled for this area, as it would not be in keeping with the general design and character of the houses in this residential area.
- There are no other dormers on the second floor of any houses in this vicinity.
- This dormer will be very displeasing to the eye.

Officer Comment: These concerns have been noted and assessed in detail within the assessment above. The dormer windows have been deleted from the proposal and the accommodation in the roof is now lit by roof lights.

Residential amenity:

- Objections raised in terms of overlooking/loss of privacy from the dormer proposed on the 2nd floor.

Officer Comment: Both the front and rear dormers have been removed from the scheme.

General concerns:

- This application is an amended version and the objections remain valid.
Officer Comment: This has been noted.
- Fail to understand why the applicant is applying for planning permission again when a similar proposal was refused by Kirklees Council and dismissed at Appeal (ref: APP/Z4718/D/3283629).
Officer Comment: This has been noted.

- Potential impact on the value of neighbouring properties.
Officer Comment: This is not a material planning consideration and therefore, cannot be afforded weight.

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 materials considerations. In this instance, the development does not accord with Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and Policies within Chapter 12 of the NPPF. The application of policies in the NPPF that protect visual amenity are of particular importance and provide a clear reason for refusing the development proposed.

Background Papers:

Application and history files.

Link to application

[Link to application details](#)

[Planning application details | Kirklees Council](#)

Link to previously refused application along with the appeal decision (2021/90775)

[Link to application details](#)

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate A signed.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Oct-2022

Subject: Planning Application 2022/91676 Erection of first floor extension to rear and dormer window to front and rear 17, Mead Street, Fartown, Huddersfield, HD1 6HE

APPLICANT

Z Ali

DATE VALID

19-May-2022

TARGET DATE

14-Jul-2022

EXTENSION EXPIRY DATE

11-Aug-2022

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: Greenhead

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The development by reason of its size, scale, design and considered cumulatively with the existing rear extension, would appear overly prominent and incongruous within the application site, would fail to appear subservient to the original dwelling and would resultantly cause harm to the visual amenity of the host dwelling and the character and appearance of the wider area. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of detailed guidance on rear extensions and dormers within the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy within Chapter 12 of the National Planning Policy Framework.

2. The first floor rear extension, by reason of its scale and proximity to the boundary with no. 19 Mead Street, would cause demonstrable harm to the residential amenities of occupiers of this neighbouring dwelling by reason of overshadowing and overbearing impact. This is contrary to the aims of Policy LP24 (b and c) of the Kirklees Local Plan, Key Design Principles 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is brought to Huddersfield Planning Sub-Committee at the request of Ward Councillor Mohan Sokhal who has provided the following reason:

"In my view, the rear of the proposed makes this less visible and doesn't overshadow neighbouring properties. Also, it's not overdeveloped. Appearance is not out of character to other properties."

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

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to 17 Mead Street, Fartown and is a two-storey semi-detached property. The property is within a mixed-use area and to the north east, faces Birkby Junior School and a curtilage Listed Building and with a light industry/workshop building to the south of the site. To the south west is the boundary of the Birkby Conservation Area, which includes properties that front Halifax Old Road. Residential uses are mixed with other uses.

- 2.2 The front of the property is constructed from stone with the side and rear elevation being constructed from red brick. The roof is constructed from a mixture of blue slate, original roof, and concrete tiles to the single storey rear extension.
- 2.3 To the front of the property is a front garden which is paved and used as a driveway and to the rear is a concrete laid garden area which is set up from the floor level of the property. There is a single storey extension to the rear of the property which projects slightly off the side elevation.
- 2.4 There is vehicular access to the rear of the site off a private access road. The road forms the boundary with the Birkby Conservation Area. The site itself is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission for the erection of a first-floor extension to the rear of the property and dormer extensions to the front and rear elevation roof slopes.
- 3.2 The proposed first floor extension would sit upon the existing single storey rear extension and would project off the rear elevation of the property by 3.3 metres and off the side elevation by 1.2 metres. The extension would have an eaves height to match the original dwelling with the roof line being set down from the existing roof line by approximately 1.8 metres. The proposed materials of construction would be brick for the walls and tiles for the roof to match the existing.
- 3.3 The proposed front dormer extension would be set up from the existing gutter line by 0.7 metres and would be set down from existing ridge by 0.1 metre. The total width of the front dormer would be 3 metres with the dormer walls clad with tiles to match the host dwelling with white uPVC openings.
- 3.4 The proposed rear dormer extension would be set up from the existing gutter line by 0.3 metres and set down from the existing ridge by 0.1 metre. The total width of the dormer would be 4.9 metres being set in from the side elevation by 0.2 metres spanning the width of the rear elevation roof slope. Again, it is proposed that the dormer walls would be clad with tiles to match the existing roof tiles with white uPVC openings.
- 3.5 On street parking would be retained to the front and rear of the property.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

At the application site

- 4.1 2007/90770 – Erection of single storey rear extension – Conditional Full Permission, granted 17th April 2007

Attached neighbour No. 19 Mead Street

- 4.2 No planning history

Adjacent unit

- 4.3 2005/91367 – Erection of industrial unit – Conditional Full Permission, granted 15th May 2005
- 4.4 2014/90071 – Variation of Condition 2 (hours of activity) on previous permission 2005/91367 for erection of industrial unit – granted 7th March 2014

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

- 5.1 Concerns were raised with the Agent both in terms of visual amenity and residential amenity, specifically the front dormer and the first-floor rear extension. Also, it was highlighted to the Agent that the first-floor extension would not comply with the adopted SPD and would have a significant impact on the amenity of the neighbouring property in terms of overshadowing and loss of outlook/overbearing impact. The Agent confirmed that the suggested amendments would not be forthcoming and requested the application be determined on the basis of the originally submitted plans.

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).

The site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP35** – Historic environment
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contamination and unstable land

6.3 Supplementary Planning Guidance / Documents:

- House Extensions and Alterations 2021
- Highways Design Guide 2019

6.4 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and newspaper advertisement as having the potential to affect the setting of a Conservation Area. The final date for publicity expired 4th July 2022.

7.2 No representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

K.C. Strategic Waste – no closed landfill sites within 250m of address

K.C. Environmental Health – confirmed they have no objection

K.C. Conservation and Design – commented on the relationship between the site and Birkby Junior School

The Coal Authority – no response received, standing advice regarding development in an area of ‘high risk’ coal mining legacy applies.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity, urban design issues and heritage issues
- Residential amenity
- Highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

10.2 With specific regard to the House Extensions and Alterations SPD the key design principles for consideration for this particular application are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

10.3 The site is close to the Birkby Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of a Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also policy LP35 of the Kirklees Local Plan.

10.4 When making a recommendation in respect of a planning application that might be considered to affect a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to ‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses’. In this case it is concluded that the nature of the front dormer would not adversely affect the setting of the curtilage listed Birkby Junior School, given the established separation between the sites, the mixed use appearance of the immediate area with a modern industrial building to the south of the site.

10.5 In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the Conservation Area, as well as other matters which will be discussed below.

Visual amenity, urban design issues and heritage issues

10.6 Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP24(c) of the Kirklees Local Plan states these should be ‘subservient to the original building’ and ‘in keeping with the existing building in terms of scale, materials and details.’

- 10.7 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well-designed plans) where paragraph 126 provides an overarching consideration of design stating that: *“the creation of high-quality buildings and places are 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.”* Paragraph 130 of the NPPF states that planning decisions should ensure developments are sympathetic to local character, including the surrounding built environment.
- 10.8 Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.
- 10.9 With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:
- Principle 1 – that: *“extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”*
 - Principle 2 – that: *“extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”*
- 10.10 Section 5 of the House Extensions and Alterations SPD also provide guidance for specific types of extensions and alterations which will be referred to.

First floor rear extension

- 10.11 The first-floor extension to the rear of the property would effectively result in a two-storey extension as it would be located directly above an existing single storey rear extension.
- 10.12 Section 5.1 of the House Extensions and Alterations SPD relates to rear extensions and states that these should *“maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended.”*
- 10.13 Paragraph 5.8 of the SPD states that generally, two storey rear extensions should:
- be proportionate to the size of the original house and garden;
 - not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
 - not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
 - not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;

- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

10.14 In terms of the submitted proposal, whilst the extension would have a roof ridge that would be set down from the existing roof ridge, the significant size of the extension and when viewed cumulatively with the proposed dormers would not result in a development that would be subservient/proportionate to the original property due to the significant size and scale of the works proposed. This is further exacerbated with the design of the extension which is considered to awkwardly project beyond the side of the dwelling which results in an incongruous and overly prominent appearance when viewing the development from the rear.

10.15 The extension would also fail to retain a separation distance of 1.5 metres to the boundary with the attached property, No. 19, contrary to the SPD nor would a separation distance of 1.5 metres be achieved between the proposed side elevation of the extension and the boundary to the south.

10.16 To facilitate the construction of the rear dormer the roof form of the extension would result in a shallow pitched roof form to the first-floor extension. This fails to respect or relate to the original design and style of the property, contrary to Key Design Principle 2 of the SPD. It is noted that the row of terraces to the north have two storey projecting elements however these are outriggers that formed part of the original design of the dwellings.

10.17 In terms of the impact of the first-floor extension on the setting of the Conservation Area, as the site is enclosed and the extension would face the raised yard area, it is considered that this element of the scheme, in isolation, would not have a material impact on the setting of the adjacent Conservation Area. There is a clear distinction between properties fronting Mead Street and those facing Halifax Old Road – within the Conservation Area. Furthermore, the setting of the application site is closely aligned with the commercial buildings to the south, to the extent that the rear extension would be viewed in the context of buildings of a much more substantial size when viewed from viewpoints in the Conservation Area.

10.18 As the first-floor extension is located to the rear of the property, away from the facing curtilage Listed Building it is not considered that this part of the development, or the rear dormer would have an impact on the setting of the Listed Building.

10.19 In terms of materials for the first-floor extension, the proposed construction materials would match the existing and therefore considered acceptable.

Front and rear dormer extensions

10.20 The scheme proposes dormer extensions to the front and rear of the property with the dormer to the front elevation being smaller than the one to the rear. Both dormer extensions would be flat roofed in their design.

10.21 Section 5.4 of the SPD relates specifically to dormer windows and roof extensions. Sub-paragraph 5.24 states that:

“Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.”

10.22 Sub-paragraphs 5.25 and 5.26 go on to say that:

“The design of 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. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained.” And

“To assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street. Traditional vertical dormer windows usually complement the character and roof pitch of the existing house and will normally be acceptable. Modern flat roof dormers may be considered acceptable if they are well-designed, small in scale and appearance and are characteristic of the street scene.”

10.23 Sub-paragraph 5.27 states that dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

10.24 In terms of the proposed front elevation dormer extension, in this instance, the dormer proposed is large in scale and would be an alien feature within the street scene where no other dormer openings are located within the front elevations and would not either respect or enhance the character of the townscape. This would be contrary to Key Design Principle 1 of the SPD and Policy LP24 (a and c) of the Kirklees Local Plan.

10.25 In addition, the front dormer extension would face a curtilage Listed Building within the grounds of Birkby Junior School. Discussions have taken place with the Council’s Conservation and Design Officers who consider that the front elevation dormer extension could have a marginally negative impact on the curtilage Listed Building due to the dominant nature of the large flat roof dormer to the front of the property where, as existing, the roof slopes are simple, uninterrupted in their style. This latter argument is disputed. Whilst there are clear visual amenity grounds to oppose the front dormer, as set out in paragraph 10.24, the size and scale of the dormer would have no influence on the setting of the much larger and clearly isolated curtilage listed building.

- 10.26 In terms of the proposed rear dormer extension, whilst this would be large, it would be located within the rear elevation roof slope and therefore have limited visibility from public vantage points on Mead Street. Whilst the dormer would be visible from the rear elevation and amenity areas from the properties on Halifax Old Road, it is considered acceptable in this instance, noting that the property hosts full permitted development rights and that a feature of similar proportions and appearance could be erected without the submission of a formal planning application.
- 10.27 The proposed construction materials for the dormers would be tile clad to match the existing roof slope which is considered to be acceptable.
- 10.28 It is not considered that the proposed rear dormer extension would cause harm to the setting of the curtilage Listed Building or the setting of the adjacent Conservation Area. Again, this feature would be viewed in the context of the mixed-use industrial units and has a potential 'fallback position' of being permitted development. It is therefore considered that this element of the scheme would comply with Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the SPD and Chapters 12 and 16 of the NPPF.
- 10.29 Taking into account all the above, it is considered that the cumulative impact of the first floor rear extension and front and rear dormer extensions would result in a development which would not be subservient to the host property due to the overall size, scale and massing with the works resulting in an unsympathetic, over-dominant and incongruous form of development which would harm the character and appearance of the host building. To permit the development would be contrary to Policies LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 and detailed guidance in section 5 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

Residential amenity

- 10.30 Sections B and C of policy LP24 of the KLP states that alterations to existing buildings should:

"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."

- 10.31 Further 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.

- 10.32 The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity. These include:

- Principle 3 - that *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."*
- Principle 4 - that *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook."*

- Principle 5 - that “*extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.*”
- Principle 6 - that “*extensions and alterations should not unduly reduce the outlook from a neighbouring property.*”
- Principle 7 - that “*extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.*”

- 10.33 The application site is a semi-detached property with the attached neighbour to the north being No. 19 Mead Street.
- 10.34 To the rear of the pair of semi-detached properties, both properties host single storey rear extensions. The extension to the application site is full width of the rear elevation, projecting slightly off the side elevation and the extension to No. 19 is part-width and is set in and off the shared boundary.
- 10.35 The extension to No. 19 hosts an opening within the side elevation which faces the blank side elevation of the application site and a window within the original rear elevation of the property is visible.
- 10.36 Paragraph 4.17 of the House Extensions and Alterations SPD states that when assessing the impact of overshadowing on neighbouring properties, the Council will, as a starting point, have regard to the 45 degree guidelines. That is, a line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45 degree, 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 to the neighbouring property.
- 10.37 In this instance, due to the presence of both ground floor openings within the original rear elevation of the neighbouring property, the 45 degree line at both ground and first floor would be cut and therefore the erection the proposed first floor extension would cause an undue level of loss of light and outlook for occupiers of no. 19. This is contrary to Policy LP24 and Key Design Principles 5 and 6 of the SPD.
- 10.38 The impact of the scheme on the neighbouring property is further exacerbated due to the orientation of the application site being to the south-east of the attached neighbour and the proposed first floor extension is considered to unduly impact from overshadowing and being overbearing.
- 10.39 In terms of the impact on the attached neighbouring property from the proposed dormer extensions, this would be limited due to the extensions being located within the confines of the existing roof slope.
- 10.40 It is not considered that the proposed works would have a detrimental impact on the adjacent industrial unit.
- 10.41 With regard to overlooking, the existing established separation distances would not be reduced as a result of the proposed dormer extensions. With regard to the openings within the first-floor extension, these face properties which exceed the 21 metres as advised within Key Design Principle 3 of the SPD and therefore there are minimal concerns.

- 10.42 Key Design Principle 7 of the SPD requires that extensions ensure that appropriately sized and usable areas of outdoor space are retained. In this instance, there are no proposed alterations to the footprint of the building and therefore the works would retain the outdoor amenity space, as existing. It is therefore considered that the development would comply with this principle.
- 10.43 There is an industrial unit adjacent to the property that has been in situ since the granting of planning permission 2005/91367. Condition 2 of the approval limits the operational hours of the building stating that'no activities shall be carried out on the premises, including deliveries to or dispatches from the premises outside the hours of 0730 and 1830 Monday to Friday and 0730 to 1300 Saturdays. No activities shall take place on Sundays or Bank Holidays.'
- 10.44 A subsequent application was approved under application number 2014/90071 which sought to extend the hours of use to enable Huddersfield North Scouts to use the premises 24 hours a day, 7 days a week. The stipulation of allowing this was once the premises ceased to be occupied by Huddersfield North Scouts then the approved operational hours would apply in its entirety. This condition was imposed to safeguard the amenities of nearby residents.
- 10.45 Discussions have taken place with Environmental Health Officers who have confirmed that as the hours are restricted for the use of the adjacent building, and fact there are no proposed openings within the side elevation of the extensions they consider the proposal would not have a significant impact upon occupiers of the proposal as a result of noise. Therefore, it is considered that the proposal would comply with policies LP24 and LP52 of the Kirklees Local Plan.

Highway safety

- 10.46 Principle 15 of the House Extensions and Alterations SPD states that: *"Extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking."* Principle 16 seeks to ensure adequate bin storage arrangements are in place.
- 10.47 The submitted floor plans indicate that the size of the property would increase from being a 2 no. bedroom property to a 5 no. bedroom property.
- 10.48 Key Design Driver 20 of the Highways Design Guide SPD states that:

Kirklees Council has not set local parking standards for residential and non-residential development. However, as an initial point of reference for residential developments (unless otherwise evidenced using the criteria in Para. 5.1), it is considered that new:

- *to 3 bedroom dwellings provide a minimum of two offstreet car parking spaces*
- *4+ bedroom dwellings provide three off-street spaces.*

- 10.49 The works to the property would not increase the footprint of the property with all the works being located above ground floor level. As such, there would be no alterations to the existing parking arrangements. Due to the driveway and the hardstanding rear yard, it is considered that 3 no. parking spaces, off-street could be achieved, in accordance with Key Design Driver 20 of the Highways Design Guide and Key Design Principle 15 of the House Extensions and Alterations SPD.
- 10.47 It is also noted that there is sufficient space within the site boundary to accommodate bin storage and the proposal is therefore concluded to comply with Key Design Principle 16 of the SPD.

Other Matters

Climate change

- 10.48 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.
- 10.49 Principles 8 of the House Extensions and Alterations SPD relate to planning for climate change. Principle 8 (Energy Efficiency) states: *"Extensions and alterations should, where practicable, maximise energy efficiency."*
- 10.50 Due to the nature of the proposal, it is not considered reasonable to require the applicant to put forward any specific reliance measures. However, it is noted that the extension would be finished in brick and would therefore aid passive solar gain, constructed from modern specifications to ensure thermal efficiency. This is considered acceptable and in accordance with Chapter 14 of the NPPF as well as Key Design Principle 8 of the House Extensions and Alterations SPD.

Biodiversity

- 10.51 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 if 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.

- 10.52 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.”* In this instance, careful attention has been paid to look for evidence of bat roost potential during the site visit. In this instance, the property appeared well-sealed around the eaves and roof area.
- 10.53 Therefore, the development is considered to comply with the aforementioned policies.

Coal Mining Legacy

- 10.54 The site is located within area which is at high risk of ground movement as a result of past mining activities. Whilst falling within a high-risk area the Coal Authority identify the development type as that which does not need the submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 174 and 183 of the National Planning Policy Framework.

Representations

- 10.54 As a result of publicity, no public representations have been received during the course of the application.

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 materials considerations. In this instance, the development does not accord with Policy LP24 (a, b and c) of the Kirklees Local Plan, Principles 1, 2, 5 and 6 of the House Extensions and Alterations SPD and Policies within Chapter 12 of the NPPF. The application of policies in the NPPF that protect visual and residential amenity are of particular importance and provide a clear reason for refusing the development proposed.

Background Papers:

Application and history files.

[Link to application details](#)
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Certificate of Ownership – Certificate A signed.