
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 13-Dec-2018

Subject: Planning Application 2018/93508 Reserved matters application pursuant to outline permission 2016/91502 for erection of one detached dwelling Adj, 1, Spring Lane, Holmfirth, HD9 2LN

APPLICANT

Mr Cruickshank

DATE VALID

23-Oct-2018

TARGET DATE

18-Dec-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

No

Ward Members consulted

RECOMMENDATION

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

1.0 INTRODUCTION

- 1.1 This application seeks reserved matters approval for the erection of a detached dwelling.
- 1.2 The application is brought to committee at the request of Ward Councillor Nigel Patrick. This is on the grounds of objections over overlooking and the impact on amenity of residents at a neighbouring dwelling.
- 1.3 The Chair of Sub-Committee confirmed that Cllr Patrick's reason for making this request is valid, having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a triangular shaped plot on the junction with Spring Lane and Liphill Bank Road. The site previously consisted of low level scrub vegetation with mature trees in close proximity to the south-western boundary. The site has been cleared, with the trees retained, as development has commenced.
- 2.2 The site is bound by a stone wall. As part of an outline application approved on site a new stone wall, access and pavement have been installed on the east elevation.
- 2.3 To the north, the site adjoins the boundary of no. 1 Spring Lane and private amenity areas of nos. 5 and 7 Spring Lane. There is a small residential terrace block to the east with the gable of no. 24 Liphill Bank Road containing what appear to be non-habitable room openings overlooking the application site. To the west of the site is the detached dwelling Somerton with its associated curtilage.

3.0 PROPOSAL

- 3.1 The proposal seeks reserved matters approval for the erection of a two-storey dwelling a single storey side section. The application is submitted pursuant to previous permission 2016/91502, which granted outline permission with access. The reserved matters under consideration are scale, layout, appearance and landscape.
- 3.2 The dwelling is to be located within the north portion of the site and is to have a roughly rectangular footprint with the widest and deepest sections measuring 13.4m and 9.5m respectively (inc. the side section), incorporating the two storey dwelling and integral single garage. The dwelling is to provide 140sqm internally and be 4 bed.
- 3.3 The dwelling is to be faced in natural stone with blue slate roofing. Openings are proposed on the front, rear and east facing side elevations. The first floor rear windows and Rooflights are to be obscure glazed.
- 3.4 The area to the front of the dwelling is to be surfaced. Garden space is to be located to the east of the site. A 1.8m high timber closed boarded fence is to be erected along the east boundary with Somerton.
- 3.5 Development has commenced on site. The site does benefit from permission for the erection of a single dwelling (comprising outline, 2016/91502, and reserved matters, 2017/93648) however the development taking place is that proposed, not that approved. The principal difference between the proposed and approved scheme is the location of the garage, which in the approved scheme is within the single storey side section.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2012/90233: Outline application for erection of dwelling – Refused (Dismissed at appeal)

2013/91179: Outline application for erection of detached dwelling – Conditional Outline Permission

2016/91502: Outline application for erection of one detached dwelling – Conditional Outline Permission (Allied Application)

2016/93867: Discharge Condition 5 (highways) on previous permission 2016/91502 for outline permission for erection of one dwelling – Discharge of Conditions Approved

2017/93648: Reserved matters application pursuant to outline permission 2016/91502 for erection of one detached dwelling – Grant Reserved Matters

4.2 Surrounding Area

Spring Bank (To the north)

2006/92882: Erection of two detached dwellings with integral garages and detached garage for existing house (modified proposal) – Conditional Full Permission (Implemented)

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

5.1 Discussions were held over mitigating the potential harm to the amenity of neighbouring residents. This resulted in details of a boundary fence being included within the proposal.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 On the UDP Proposals Map the site is Unallocated.

6.3 The site is Unallocated on the PDLP Proposals Map.

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D2** – Unallocated land
- **NE9** – Retention of mature trees
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Building materials
- **BE12** – Space about buildings
- **T10** – Highways accessibility considerations in new development
- **H1** – Housing (Strategy)

6.5 Kirklees Publication Draft Local Plan

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place sharpening
- **PLP3** – Location of new development
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP30** – Biodiversity and geodiversity
- **PLP33** – Trees
- **PLP51** – Protection and improvement of local air quality

6.6 National Planning Policy Framework

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision making
- **Chapter 5** – Delivering a sufficient supply of houses
- **Chapter 12** – Achieving well-designed places

7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. This is in line with the Council's adopted Statement of Community Involvement.

7.2 The end date for public representations is due to end on the 11th of December, 2018. As such the period of publicity will not expire until after the report for subcommittee has been published. Representations received prior to publishing are detailed below. Any further representations received will be reported to members in the update.

7.3 At the time of publishing, no formal objections have been received. However informally concerns and objections have been expressed to officers by residents from one neighbouring household. These relate to overlooking and loss of privacy.

Holme Valley Parish Council

7.4 *'Object to the application due to loss of off-road parking and turning area for vehicles (so would have to reverse out) due to safety issues. Entry/exit must be in forward gear. Concerns also that development has already started to new plans (not ones with outline application).'*

Local Ward Member Interest

7.5 The site is within Holme Valley North Ward. As noted within the introduction Councillor Nigel Patrick has expressed concerns over the proposal's impact upon the amenity of neighbouring residents through overlooking and a loss privacy.

7.6 Councillor Patrick has requested that the application be deferred until the next planning committee, citing that the public representation period does not expire until after the committee report is published, with concerns that officer's recommendation is premature.

8.0 CONSULTATION RESPONSES

8.1 Statutory

None required.

8.2 Non-statutory

K.C. Trees: An informal discussion was held. No objection, with no conditions deemed necessary.

9.0 MAIN ISSUES

- Principle of development
- Scale
- Appearance
- Landscape and ecological considerations
- Other
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The principle of developing the site for a residential development has been previously granted by outline application 2016/91502. The outline application had all matters reserved bar access which was approved. The current application will consider the layout, scale, appearance and landscaping for the development.
- 10.2 Weight must also be given to the approval of Reserved Matters 2017/93648 in so far as it relates to the current application. Further, consideration is given as to whether there has been any policy changes or development in the local area which would impact on the determination of 2017/93648.
- 10.3 2017/93648 was assessed against the Policies of the UDP, PDLP and the 2012 NPPF. While the PDLP has been through main modifications and the 2012 NPPF has been superseded by the 2018 NPPF, neither of these policy changes are considered to materially impact upon the principle established by 2017/93648.
- 10.4 No development has taken place in the local area which impacts on the current proposal or the assessment of 2017/93648.

Layout (Design)

- 10.5 The proposed dwelling is to be located to the north of the plot. This is considered the most appropriate layout, allowing for access as approved at outline stage while ensuring the dwelling does not appear overly prominent or incongruous within its setting. While the proposal does result in a large area of surfacing to the front of the dwelling, this is to allow for appropriate turning and parking within the site which is noted to be difficult due to the site's triangle shape.

- 10.6 The layout allows for a modest sized garden and patio area. It is noted that the patio is adjacent of the blank side wall of no.1 Spring Lane which will limit outlook but enhance privacy. Whilst the garden is relatively small in relation to the size of the dwelling, it is on balance considered to provide sufficient outdoor amenity space for the property.
- 10.7 The proposed layout will not impact on driver sightlines or cause distraction. The access is as per the approved outline permission.
- 10.8 In regards to the established urban grain of the area, given the mixture of historic and more modern dwellings these is not a prevailing layout for dwellings. The layout of the proposed dwelling is considered acceptable and would not cause the proposed dwelling to appear incongruous within its setting. Therefore, in regards to layout (design), the development is deemed to comply with Policies D2, BE1 and BE of the UDP, PLP24 of the PDLP and Chapter 12 of the NPPF.

Layout (Residential Amenity)

- 10.9 As an infill plot the propose dwelling is close to several neighbouring dwellings. To the east, across Spring Lane, is no.24 Liphill Bank Road. To the west is Somerton. To the rear of the site are nos. 1, 5 and 7 Spring Lane.
- 10.10 No.24 Liphill Bank Road does not have any primary habitable room windows facing the application site and is a reasonable separation distance from the proposed dwelling, therefore preventing concerns of overbearing or overshadowing. No windows are proposed which would harmfully overlook no.24's dwellinghouse or land.
- 10.11 Somerton's dwellinghouse does not have primary habitable room windows facing the proposed dwelling. Furthermore Somerton is in excess of 12.0m from the side elevation of the proposed dwelling. No windows are proposed facing Somerton's dwellinghouse. Therefore officers are satisfied that the proposed structure would not cause harmful overbearing, overshadowing or overlooking of Somerton's dwellinghouse.
- 10.12 Notwithstanding the above, objections have been raised relating to overlooking from the proposed dwelling's living room window towards Somerton's garden. The section of Somerton's garden in question is an outdoor seating area with a small shed. Because of the position of the shared boundary between the proposed dwelling and Somerton, the living room window would face the seating area at a distance of approx. 4.5m. The proposed dwelling is on a higher ground level and given the short distance could overlook the land in question. However, the harm would be mitigated satisfactorily through a close boarded boundary fence, 1.8m in height. Officers are satisfied that the fence would block invasive views from the window towards Somerton's land. The fence being erected, and retained, can be secured via condition.
- 10.13 It is noted that the site has an extant permission for a dwelling. The principal design difference between the approved and proposed is that the garage and living room are swapped. Officers are aware that should the previously approved scheme be built out, Planning Permission would then not be required to do the proposed alteration, as the dwelling would benefit from Class A rights for 'alterations and improvements', which would allow for internal and external alterations such as those sought.

- 10.14 Considering the impact on no.1, no.1 is at a right angle to the proposed dwelling with two habitable room windows on the rear (one at ground and first floor) which would be close to the new dwelling. The proposed dwelling's two storey section would project 4.2m beyond no.1's rear. If treated as a rear extension this would exceed the recommended projection of 3.0m. However, in mitigation, because of the lower ground level the dwelling would sit on its apparent massing when viewed, at an oblique angle from no.1, would be reduced. Furthermore the dwelling is detached from no.1, with a separation distance of 1.8m additionally decreasing the impact. Again because of the level differences, despite the new dwelling being to the south, the dwelling will not cause materially harmful overbearing. In regards to windows, as they are to be obscure glazed there would be no harm through overlooking and a loss of privacy. On balance officers conclude that the development would not materially harm the amenity of no.1's residents.
- 10.15 Numbers 5 and 7 Spring Lane are to the north and have rear elevations which host habitable room windows facing the application site. The separation distance between the existing and proposed dwellings is, at a minimum, 18.0m. The 18.0m separation distance is in breach of BE12's recommended 21.0m between facing habitable room windows, although the proposed dwelling is noted to be 1.5m from the shared boundary, in compliance with BE12(iv). First considering overbearing, given the level differences between the sites and the low profile of the proposed dwelling, officers are satisfied that the separation distance of 18.0m would not result in harmful overbearing upon occupiers of nos. 5 or 7. These considerations likewise prevent concerns of overshadowing, despite the application site being due south. Turning to overlooking, the proposed dwelling's ground floor windows will be set at a lower ground level with a 1.8m boundary treatment, preventing overlooking. The first floor windows are to be obscure glazed (securable via condition). Therefore none of the rear windows would allow harmful overlooking of either nos.5 or 7 or their associated curtilages.
- 10.16 Consideration must also be given to the amenity of future occupiers. Officers do not hold concerns of overlooking from 3rd party dwellings. Officers acknowledge that bedroom 3, which is to be served by obscurely glazed windows only, will not benefit from full natural light and outlook. This will limit the amenity value the room provides. However, as an infill plot, reduced outlooks are not unusual. The proposal is for a well sized 4 bed dwelling, with the living room and the largest bedrooms providing an acceptable level of amenity. On the planning balance officers are satisfied that the reduced amenity value of one room would not cause material harm to the living standard and amenity of futures residents, which as purchases will be aware of the building's layout prior to occupation.
- 10.17 Concluding on the above, officers are satisfied that the proposed layout would not harm the amenity of neighbouring residents while also ensuring a suitable living standard for future occupiers, in accordance with Policies deemed to comply with Policies D2, PLP24 and Paragraph 17 of the NPPF in regards to residential amenity.

Scale

- 10.18 Dwelling scales in the area are varied, ranging from smaller terraced dwellings to large detached dwellings adjacent to the site. The proposed dwelling's scale is considered an appropriate middle ground, being larger than the terrace rows but smaller than the detached dwellings. This is considered acceptable given the size of the plot and the context it would be seen within.
- 10.19 While the dwelling's ground floor is the width of the site, as the side section is single storey it does not cause the dwelling to appear overly large in the plot. In terms of height, the plans show the dwelling appropriately stepped from the rear neighbour, following the topography of the hill.
- 10.20 In regards to amenity of future residents, the internal scale of the dwellings is considered acceptable for the number of bedrooms proposed. This includes the garden space and patio.
- 10.21 Officers conclude that the scale of the proposed dwelling is appropriate, in accordance with D2, BE1, BE2 and BE11 of the UDP, PLP24 of the PDLP and Chapter 12 of the NPPF.

Appearance

- 10.22 Appearances in the area are varied, ranging from the traditional village terraces rows on Liphill Bank Road, to 50s/60s bungalows and new detached dwellings on Spring Lane, with the junction marking a point where appearances change. The proposed dwelling has architectural features which respect and mimic elements of each surrounding dwelling type. This includes the fenestration of the rear modern buildings, with the form and roof layout of the traditional terrace. Officers consider this an appropriate response given the dwelling's location on the junction while allowing the dwelling to hold its own character. This approach is deemed to comply with the objections of paragraph 127 of the NPPF, which states;

Planning policies and decisions should ensure that developments: are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- 10.23 The dwelling is to be faced in natural stone. As development has commenced samples have been seen on site. The samples are considered acceptable. Blue roof slates are proposed. Subject to a good quality blue slate being used it is not considered materially harmful to the visual amenity of the building or streetscene, with the new builds to the rear also being roofed in blue slate. Therefore a condition can be imposed requiring samples to be submitted, so that officers can confirm they reflect the materials used on adjacent buildings.
- 10.24 While the overall unique design is noted, the proposed dwelling is not anticipated to appear incongruous within its setting, the proposed dwelling would harmonise with each street it is viewed from. It is concluded that the development complies with the objectives of D2, BE1, BE2 and BE11 of the UDP, PLP24 of the PDLP and Chapter 12 of the NPPF.

Landscape and ecological considerations

- 10.25 As the proposal seeks the erection of a single dwelling landscape details are limited. Scrub vegetation will be removed to facilitate the proposal however this is not opposed as they are of limited ecological and landscape value. The site's boundary treatment to Spring Lane has been approved and implemented, as part of the access improvement works.
- 10.26 The dwelling is set away from the 3rd party trees to the south of the site and officers, and K.C. Trees, do not raise concerns for impact on the trees or conflict with future users.
- 10.27 The site is within the council's bat alert layer. Currently the site is deemed to be of limited ecological value, therefore the proposal is not anticipated to harm the local ecological environment. However the NPPF seeks for planning applications to enhance local ecology. If minded to approve officers are to impose a condition requiring a bat box on the dwelling. This is to comply with PLP30 and Chapter 15 of the NPPF.

Other Matters

Permitted Development

- 10.28 Further development of the site would likely raise concerns of overdevelopment. This is particularly the case for side and rear extensions given the proximity of the dwelling to these boundaries. It is therefore considered necessary to remove PD rights for further extensions. In terms of outbuildings, these would practically be limited to being within the garden. The garden is not large in scale and to build over it would likewise raise concerns of overdevelopment and impact on occupier's amenity rights for such additions will therefore be withdrawn

Representations

- 10.29 *'Object to the application due to loss of off-road parking and turning area for vehicles (so would have to reverse out) due to safety issues. Entry/exit must be in forward gear. Concerns also that development has already started to new plans (not ones with outline application).'*

Response: The site has sufficient space for two off-road parking spaces, which is acceptable for the scale of the dwelling. Furthermore officers are satisfied with the on-site turning. Officers note that development has commenced.

- 10.30 Councillor Nigel Patrick has expressed concerns of overlooking and loss of privacy on neighbouring residents at Somerton.

Response: The impact upon Somerton's residents is considered within 10.11 – 10.13. In summary, while the potential for overlooking exists officers are satisfied that the proposed boundary treatment and levels differences would prevent a harmful loss of privacy taking place.

- 10.31 Councillor Patrick has requested that the application be deferred until the next planning committee, citing that the public representation period does not expire until after the committee report is published, with concerns that officer's recommendation is premature.

Response: Officers are satisfied that the report addresses the material planning considerations of the proposal. Neighbour Letters were sent on the 26th of October, with the site notice being posted on the 20th of November. Therefore the public representation period has run for over five weeks at the time of the report being published. Should any further representations received will be outlined and addressed within the update to members.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Development to be done in accordance with plans.
2. Roofing samples to be provided
3. Referenced windows to be obscure glazed
4. Bat box to be provided
5. Remove referenced Permitted Development rights
6. Parking to be provided and retained
7. Boundary fence as shown to be provided and retained

Background Papers

Application and history files

Available at;

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/93508>

Certificate of Ownership

Certificate of Ownerships are not required for Reserved Matters Application.

Certificate A signed for associated Outline Application ref. 2016/91502.