
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 18-Apr-2019

Subject: Planning Application 2018/91581 Erection of detached dwelling with access off Longwood Edge Road rear of, 481, New Hey Road, Salendine Nook, Huddersfield, HD3 3XG

APPLICANT

Mr & Mrs Livsey

DATE VALID

21-May-2018

TARGET DATE

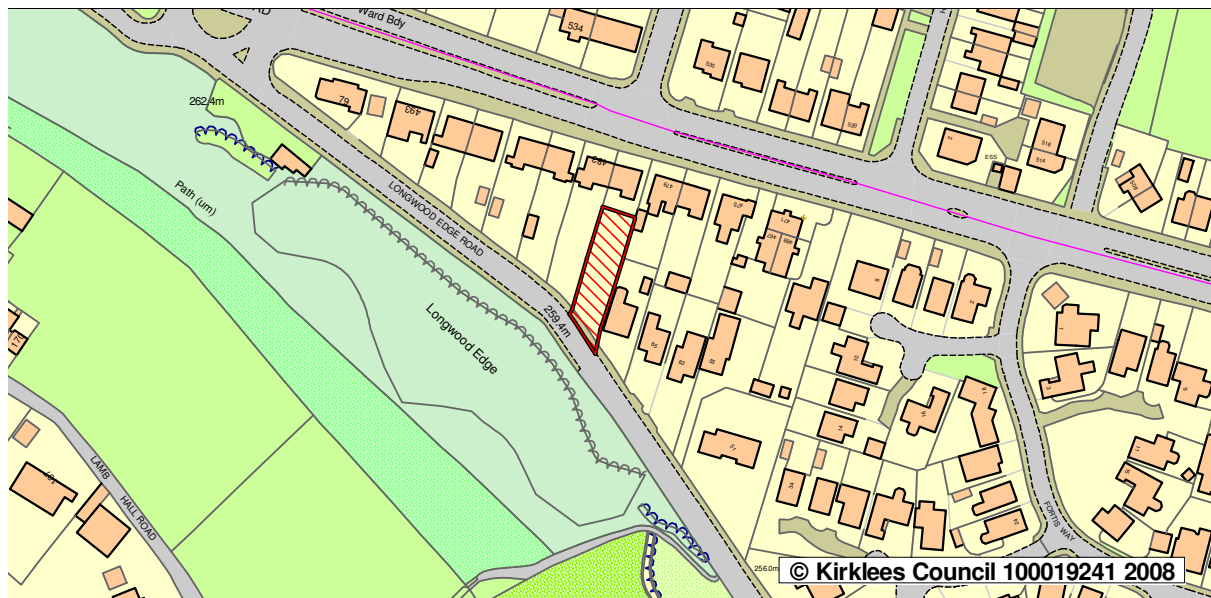
16-Jul-2018

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: Golcar

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 the erection of a detached dwelling, with access off Longwood Edge Road.
- 1.2 The application is brought to committee as officers consider the volume of public representations received in response to the proposal to be significant, in line with the requirements of the Scheme of Delegation to Officers.

2.0 SITE AND SURROUNDINGS

- 2.1 481 New Hey Road is a semi-detached bungalow. It is faced in brick with tile roofing. A driveway runs along the side of the dwelling. The dwelling has a long rear garden, the majority of which is the subject of this application.
- 2.2 No.481's garden backs onto Longwood Edge Road to the south. The garden is mostly managed lawn, with paved surfacing to the south end. A gate allows access from Longwood Edge Road. Boundaries between dwellings in the area are low, giving an open character.
- 2.3 Longwood Edge Road does not run parallel with New Hey Road. The area between these roads increases from their junction travelling east. As a result, neighbouring dwellings to the east of no.481 have (originally) increasingly larger gardens while those to the west have smaller gardens. As per the planning history, many of these gardens have been developed and now contain dwellings fronting onto Longwood Edge Road.

3.0 PROPOSAL

- 3.1 The application seeks the erection of one dwelling, with a detached garage, within the rear garden space of no.481 New Hey Road. The dwelling would be detached, four-bed and two-storeys.

- 3.2 The dwelling is to front onto Longwood Edge Road. It has a rectangular footprint, measuring 8.8m by 7.7m providing circa 130sqm over two floors. It is to be faced in natural stone with artificial slate roofing. The roof is to be double pitched, with a front facing gable. Principal openings are arranged front/rear, with a single non-habitable room window on the east facing first floor side elevation to be obscure glazed. A feature full height glazed panel is proposed on the front elevation.
- 3.3 Access is to be formed from Longwood Edge Road. A driveway is to run from the new access to the garage set to the side and rear of the house. The garage measures 3.6m x 6.6m, with a double pitched roof with eaves and ridge of 2.3 and 4.0m respectively. The area to the front of the dwelling is to be surfaced for on-site turning, with paving and grass to the rear for the private amenity area. The drystone wall along the frontage is to be retained, but reduced to 1.0m where required for sightlines. 1.8m high timber fencing is proposed for the boundary, to the sides and rear, bar the first 1.8m from Longwood Edge Road where it will be 1.0m for sightlines.
- 3.4 As part of the proposal no.481's rear garden is to be reduced, to facilitate the development.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

The application site has no planning or enforcement history.

4.2 Surrounding Area

rear of, 481, New Hey Road

2018/91581: Erection of detached bungalow – Conditional Full Permission

Land to rear of/479, New Hey Road, Outlane, Huddersfield

87/00362: Outline application for erection of one dwelling – Granted Conditionally

87/03941: Erection of detached dormer bungalow and garage – Granted Conditionally

Plot 66/Plot 67, Longwood Edge Road

89/01356: Erection of residential development – Granted Conditionally

Land off, Longwood Edge Road

87/01898: Erection of two detached dwellings – Granted Conditionally

89/01581: Erection of detached house – Granted Conditionally

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Officers expressed concerns over the scale of the development as initially sought, which was deemed to harm visual amenity and the amenity of neighbouring residents. The applicant considered the concerns raised and looked to amend the plans.
- 5.2 The applicant provided additional schemes for officers to consider. While these reduced the scale of the dwelling, these were still considered to cause harm to visual amenity and the amenity of neighbouring residents. One of these was re-advertised to gain local perspective, which was broadly negative.
- 5.3 Following this, a further amended proposal was discussed and submitted which was, on balance, considered to overcome the previously expressed concerns and allowed officers to support the application.

6.0 PLANNING POLICY

Kirklees Local Plan (2019)

- 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 within the Green Belt on the PLP Policies Map.
- **PLP1** – Presumption in favour of sustainable development
 - **PLP2** – Place shaping
 - **PLP3** – Location of new development
 - **PLP 7** – Effective use of land and buildings
 - **PLP21** – Highway safety and access
 - **PLP24** – Design
 - **PLP30** – Biodiversity and geodiversity
 - **PLP33** – Trees

National Planning Guidance

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- **Chapter 2** – Achieving sustainable development
 - **Chapter 4** – Decision-making
 - **Chapter 5** – Delivering a strong, competitive economy
 - **Chapter 11** – Making effective use of land
 - **Chapter 12** – Achieving well-designed places
 - **Chapter 15** – Conserving and enhancing the natural environment

- DCLG: Technical Housing Standards

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 application has been amended three times. This has resulted in three public representation periods taking place. The final representation period for the latest plans expires 12th of April. As this date is after this report being published, any further representations received will be included in the written update. Representations received prior to publishing, including all those received during the initial and second public representation period, are detailed below.

7.3 At the date of publication of this report, 45 public representations have been received across the three public representation periods (for context, these 45 representations have been sourced from 18 individuals). The following is a summary of the comments made;

- The proposed dwelling is too large for the plot, which is a small garden, and not in keeping with the neighbouring bungalows. It should be a bungalow. It is overdevelopment.
- The proposed dwelling is located on a very dangerous blind corner.
- Anecdotal references to crashes on Longwood Edge Road, as well as one photo showing a wall damaged after a crash.
- Question how vehicles on site will be able to turn and if cars will have to be parked on the road.
- Concerns that the development would impact local utilities, specifically phone lines and the impact this will have on residents.
- Concerns that the development would lead to overshadowing on neighbouring dwellinghouses.
- Concerns over the small size of the garden left for no.481 and the amenity of future occupiers.
- The dwelling should be set further forward.
- Concerns over the scale of windows and windows facing sideways to neighbouring land.
- The existing 'access' onto Longwood Edge Road does not have a dropped kerb and is not an existing place for vehicles.
- Question over the proposed waste sewerage arrangement.
- Concerns that, due to high winds in the area fences will be damaged. This is why there are not many high fences in the area.
- The development will impact upon neighbouring properties security lighting, which is designed to trigger on movement.
- Concerns of light pollution from the new dwelling.
- Objection because of loss of views caused by the new dwelling.
- Concerns that the new building will be built bigger than shown on the plans.
- Concerns for pedestrians (including runners) over visibility and vehicles pulling out of the site.

- Concerns that this will lead to on-street parking. Request that double yellows be provided.
- Concerns over construction traffic.
- Concerns over utilities for the new building, i.e. gas, electric, drainage and the impact a new dwelling would have upon them.
- The plan shows the removal of a tree in neighbouring land. This is outside the control of the applicant.

Ward member interest

7.4 Councillor Hillary Richard's expressed concerns over the scale of the original proposal. The latest plans received were shared with Councillor Richard's, however as this was sent during the pre-election period Councillor Richard stated she was unable to comment.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to condition.

8.2 Non-statutory

K.C. Trees: The tree on site and a neighbouring tree are not worthy of a TPO.

9.0 MAIN ISSUES

- Principle of Development
- Urban Design
- Residential Amenity
- Highway
- Other Considerations
- Representations

10.0 APPRAISAL

Principle of Development

Sustainable Development

10.1 NPPF Paragraph 11 and PLP1 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. The dimensions of sustainable development will be considered throughout the proposal.

10.2 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.

Land Allocation (Unallocated)

- 10.3 The site is without notation on the KLP Policies Map. PLP2 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...

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

Residential Development

- 10.4 PLP7 of the KLP and Chapter 5 of the NPPF establish a general principle in favour of residential development. PLP11 and Chapter 12 of the NPPF seek to improve residential development density, with paragraph 117 stating;

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 10.5 The proposed development seeks a detached two storey dwelling within the garden of a semi-detached bungalow. However there is a history for similar developments within the area, as evidenced within the 'planning history' section of this report. Furthermore, given the relationship between the site and Longwood Edge Road, officers are satisfied that the proposal does not represent 'back-land development'. Therefore there are no objections, in principle, to the residential development of this garden site. Nonetheless, careful consideration will be required to this specific proposal's impact on the site and local area, outlined below.

Urban Design

- 10.6 Policy PLP24 requires good design to be at the core of all proposals. This includes proposals promoting good design by ensuring

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

This requirement is reflected in Chapter 12 of the NPPF, 'Achieving well-designed places'.

- 10.7 First considering layout, the proposal does follow the existing stepped arrangement established by nos. 51, 63, 65 and 67 Longwood Edge Road. While set back a correspondingly greater distance than the neighbours, this is necessitated by the steeper frontage and desire to achieve on-site vehicular turning. Despite the greater set back, an acceptable separation distance is achieved to the dwellings to the rear. Officers are satisfied that the greater set back would not cause the proposed dwelling to appear out of keeping with the area and the streetscape being formed by the incremental erection of

dwellings along the frontage of Longwood Edge Road. Regarding the dwelling being located within no.481's rear garden, as noted within paragraph 10.5, there is a long established planning history of dwellings being erected within the rear gardens of the bungalows fronting onto New Hey Road. Regarding the layout of the garage, being detached and to the rear, this is typical within the area and is considered to be in keeping with the general grain of development in the area.

- 10.8 Dwelling types in the area are mixed; while the immediate neighbours' nos.481 and 67 are each bungalows, the dwellings fronting onto Longwood Edge Road are predominantly two storeys and detached. Given the variety of dwellings on Longwood Edge Road, which this dwelling would be seen alongside, it is not considered the proposed two storeys would appear out of keeping. The proposed dwelling's height is a modest 0.8m greater than no.67, which as a chalet bungalow is taller than a typical true bungalow. For context, the dwelling is 0.2m taller than the two-storey no.65 on no.67's other side. Additionally, there is noted to be a reasonable visual separation of 2.7m between the proposed dwelling and no.67. In terms of footprint, that sought is below that of the neighbouring properties (65sqm, compared to 97 and 95 for 67 and 65 respectively), which is reasonable as no.481's original garden is smaller. Accordingly, the dwelling's mass and scale is considered appropriate and would not cause it to appear incongruous in its setting.
- 10.9 Turning to architectural design, those in the area are mixed, with no.67 being a particular standout. The proposed dwelling has a traditional and modest design more in keeping with nos.65 and 63 and is considered to harmonise with other dwellings in the area. The exception to this is a feature full height glazed panel connecting ground and first floor. While on the front elevation, this is considered a minor deviation to the visual appearance of other dwellings and would not be out of keeping in the context of the street scene. Regarding materials, specific materials have been given. Walls are to be natural stone, tumbled, from PG & Son. The quarry this stone is extracted from will be reported to members in the update. This is a good quality material, used elsewhere in the district and its use is supported. Roofing is proposed to be Marley Modern tiles (grey). Given the mixture of roofing materials in the area, which includes concrete tiles, officers do not oppose these tiles. The use of these materials can be secured via condition.
- 10.10 In summary, officers consider the proposed dwelling to be visually attractive in isolation. Furthermore, it would not appear out of context to the surrounding area, harmonising with the established character of the townscape. Officers are satisfied that the dwelling complies with the aims and objectives of PLP24 of the KLP and Chapter 12 of the NPPF.

Residential Amenity

- 10.11 The site is within a residential property, with neighbouring properties to the north and east, with a domestic garden to the west.
- 10.12 Due north is no.481 New Hey Road. This dwelling falls within the application's blue line (therefore in their ownership), however officers are still required to assess the impact on existing and future occupiers. The dwellings are 22.75m separate from one another. While a two-storey dwelling and bungalow, officers are satisfied that this separation distance prevents concerns of overbearing,

overlooking and overshadowing. The new dwelling's detached garage is 10.5m away from no.481's rear wall. Given no.481's slightly raised ground level, the boundary fence of 1.8m and that the garage is a single storey detached outbuilding, it too is not considered to cause harmful overbearing or overshadowing.

- 10.13 The proposal includes the subdivision of no.481's garden. It is proposed to leave no.481 with a proportionally smaller garden. The applicant argues that, as a two-bed bungalow, occupiers do not necessarily wish for a large garden to manage. Their rear amenity area would be 50sqm, including a small managed garden and flagged area. Space would remain to the front/side for parking, so the rear would not be taken up by vehicles. Neither the KLP nor NPPF have specific size standards for garden spaces. When considering what is appropriate, it is typical to consider the scale of the dwelling and the average size of neighbouring gardens. With this in mind, the rear amenity space is considered small and would limit the amenity value of no.481 compared to that existing. However, no.481 is up for sale with the garden as proposed. On the sales website the garden is described as 'compact' and the image clearly shows the garden as proposed with the proposed boundary fencing in situ. Therefore, any person looking to purchase this property will be well aware of the scale of the garden and as such would not be, in effect, losing amenity value. On balance, given the circumstances of the application with particular weight given to the fact that the bungalow falls within the same ownership and that any future occupier will be aware of the dwelling's garden size, on balance officers do not object to the garden arrangement for no.481.
- 10.14 To the east of the site is the rear garden of no. 483 New Hey Road. No.483 is attached to no.481. By virtue of the separation distance and angle of view, officers are satisfied that the proposed dwelling and garage will not cause harmful overbearing, overshadowing or overlooking upon the occupiers of no. 483 Turning to garden space, no.483's runs along the side of the site to Longwood Edge Road. As such the foot of 483's garden will be adjacent to the side of the proposed dwelling. The dwelling has a separation distance of 1m to the shared boundary, with the boundary treatment to be 1.8m timber fencing. The proposed dwelling's side wall facing the garden in question is blank (securable via condition), preventing concerns of overlooking. However, due to the proximity of a new two storey dwelling to the garden, a material impact, through the proximity of the new build upon part of the garden, will occur. Therefore, consideration is required as to whether this amounts to material harmful overbearing and overshadowing. No.483's garden is 30m long and 10m wide, providing approx. 300sqm of space, with the dwelling being at the foot of the garden and adjacent to a flagged area connecting to a rear gate, presumably used for parking. Given that the relationship of dwellings in rear gardens, adjacent to the foot of neighbouring dwelling's gardens has been established, and the scale of no.481's garden with the new dwelling being at the garden's end, on balance officers do not consider the impact upon no.481's occupiers through the relationship between the dwelling and their garden to amount to material harm.
- 10.15 To the east of the site is no.67 Longwood Edge Road. No.67 is a detached chalet bungalow, with a single storey rear extension, a conservatory, projecting 4.3m along the shared boundary. The proposed dwelling is set 2.7m from the shared boundary, set back 5.7m from the chalet bungalow's original rear and 1.4m from that of the extension.

- 10.16 First considering the projection of 5.7m beyond no.67's original rear, this is noted to be not a small set back. However, excluding the rear extension (considered below), as no.67 is a chalet bungalow its first-floor window is located centrally within its gable. As such, the window would be positioned circa 6.5m from the side of the new dwelling, limiting its view of the new dwelling to an oblique angle. As such, notwithstanding the setback, the new dwelling would not be prominently visible so as to cause a harmful overbearing impact. Being to the north-west of the window, overshadowing would not occur. No.67's ground floor rear window is located on the east side of the dwelling (with the new dwelling being to the west), with views towards the application site blocked by their own extension. Turning to no. 67's conservatory, its west elevation has high level windows only; while clear glazed, the proposed dwelling would be set 3.6m away from them. As high-level windows facing neighbouring land, officers do not consider this relationship to cause harmful overbearing. As noted, the new dwelling would project 2.7m beyond the conservatory, again with a separation of 3.6m as the conservatory is set in from the shared boundary. A 1.8m high boundary fence proposed. Furthermore, the dwelling's roof slopes downwards towards no.67, mitigating its mass and limiting blockage of the sun. Considering these circumstances, on balance, it is not considered that the proposal would cause harmful overbearing or overshadowing on residents' use of the conservatory.
- 10.17 The dwelling will be visible from no.67's rear garden. While the new dwelling is set back from 67's rear, because of no.67's own rear conservatory extension the main body of the garden is not in line with the proposed dwelling. While visible, set 2.7m from the shared boundary, it is not considered that the dwelling would cause materially harmful overbearing or overshadowing upon users of the garden area.
- 10.18 Considering overlooking and no.67, the new dwelling has a first-floor window on its side elevation facing no.67's land. This is to serve a WC and be obscure glazed, securable via condition. Permitted development rights for new windows are to be removed, via condition. No.67 has an obscure glazed window on its side. As an obscure glazed window, positioned to the front of the new dwelling, officers are satisfied that there would be no harm caused.
- 10.19 Regarding the proposed detached garage, detached outbuildings in rear gardens is not unusual in the area. It is considered a sufficient distance from all neighbouring dwellinghouses to prevent concerns of overbearing and overshadowing. Turning to impact on garden spaces, while adjacent to two neighbouring boundaries and gardens, those shared with no.479 New Hey Road and no.67 Longwood Edge Road, its scale is considered not to be so large as to cause materially harmful overbearing or overshadowing upon users of the gardens.
- 10.20 Turning to the amenity of future occupiers, the scale of the dwelling is considered appropriate for the number of bedrooms sought and the garden is commensurate to the size of the dwelling. All habitable rooms are served by windows which would provide an acceptable level of light and outlook.

- 10.21 Concluding on officers' assessment of residential amenity, subject to the referenced conditions officers are, on balance, satisfied that the proposed development would not cause material harm to the amenity of neighbouring residents, including future occupiers of no.481.

Highway

- 10.22 Longwood Edge Road is a 'C' road. The traffic generation of a single dwelling is not considered to impact upon the operation of the local highway network.
- 10.23 Regarding the proposed access, there is an existing access to the site onto Longwood Edge Road, although it is unclear whether this has been used frequently for vehicles in past. However, it has no dropped kerb; therefore, limited weight is given to its presence. It is noted that public representations have raised specific issue to sightlines on this corner. Nonetheless, because of its position on the outside of the bend, the access would have full sightlines for along both directions of Longwood Edge Road. These sightlines, and them being kept clear of obstruction, can be secured via condition.
- 10.24 On-site the dwelling is to provide parking for up to three vehicles, which is considered appropriate for a four-bed dwelling. Additionally, there is to be on-site turning. This layout, to incorporate the parking provision and turning, can be secured via condition.
- 10.25 In summary, officers are satisfied that the proposed development would not harm the safe and efficient operation of the Highway, in accordance with PLP21 of the Kirklees Local Plan.

Other Considerations

Air Quality

- 10.26 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within PLP24 and PLP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging point. The purpose of this is to promote modes of transport with low impact on air quality.

Trees

- 10.27 A tree on site is to be removed. It has been reviewed by K.C. Trees, who do not consider it worthy of a TPO as it is young and small in scale. For these reasons officers do not object to its removal from a general design perspective; the proposal is deemed to comply with PLP33 of the KLP.

Permitted development

- 10.28 This assessment has been based on the proposal as submitted. Once built a dwellinghouse would benefit from Permitted Development rights for a variety of extensions and outbuildings. Due to the nature of developing a rear garden, and the stepped arrangement, officers hold concerns that further development could cause harm to the character and visual amenity of the area. Because of

the dwelling's proximity to neighbouring dwellings and the garden size of no.481, officers anticipate that further development of the site would cause harm to the amenity of neighbouring residents.

- 10.29 Accordingly, officers proposed to remove the Permitted Development rights for extensions and outbuildings to the dwelling (in addition to new side windows, detailed above).

Representations

- The proposed dwelling is too large for the plot, which is a small garden, and not in keeping with the neighbouring bungalows. It should be a bungalow. It is overdevelopment.
- The dwelling should be set further forward.

Response: No.481's existing garden is not considered small and, with an access onto Longwood Edge Road, is considered capable of hosting a detached dwelling. In terms of scale, while those dwellings fronting onto New Hey Road are predominantly bungalows, properties onto Longwood Edge Road, which this dwelling will be seen alongside, are predominantly two storeys. The neighbouring no.67 is a chalet bungalow, so a taller unit adjacent to it will not be overly large.

The dwelling is set as far forward as practical to enable turning to the front. While officers note it to be set further back, relatively so, to the neighbouring dwellings, on balance it is not considered so far set back to appear harmfully incongruous.

- The proposed dwelling is located on a very dangerous blind corner.
- Anecdotal references to crashes on Longwood Edge Road, as well as one photo showing a wall damaged after a crash.
- Question how vehicles on site will be able to turn and if cars will have to be parked on the road. Concerns that this will lead to on-street parking. Request that double yellows be provided.
- The existing 'access' onto Longwood Edge Road does not have a dropped kerb and is not an existing place for vehicles.
- Concerns for pedestrians (including runners) over visibility and vehicles pulling out of the site.
- Concerns over construction traffic.

Response: Set on the outside of the bend, officers are satisfied that the access will have acceptable sightlines in both directions along Longwood Edge Road. The front wall, and first 1.8m of the side fences, are to be lower than 1m to ensure vehicles and pedestrians each can see vehicles preferring to exit the site. Vehicles existing will be doing so in a forward gear, by virtue of the turning area. Parking is to be tandem along the side of the dwelling (and in the garage), keeping the turning head clear.

Officers have reviewed the crash data for the area in the last five years. Over this period, on Longwood Edge Road, the council holds no records of injury accidents. (Please note, the council do not hold records of incidents which cause vehicle damage only)

Three parking spaces is considered sufficient for a four-bed dwelling and is not anticipated to lead to on-street parking. Visitors unable to park on site would be able to park on Longwood Edge Road, in accordance with the Highway Code. This is not materially different to all other dwellings fronting / backing onto Longwood Edge Road.

Construction traffic would be able to access the site to park / deliver. Any on-street parking would be governed and controlled by the Highway Code.

- Concerns that the development would impact local utilities, specifically phonelines and the impact this will have on residents.
- Question over the proposed waste sewerage arrangement.
- Concerns over utilities for the new building, i.e. gas, electric, drainage and the impact a new dwelling would have upon them.

Response: These issues will be considered at building regulations stage. Regarding phonelines, it would be the applicant's responsibility to manage and arrange any requirement movement, in conjunction with service providers and their standard procedure.

- Concerns that the development would lead to overshadowing on neighbouring dwellinghouses.
- Concerns over the small size of the garden left for no.481 and the amenity of future occupiers.
- Concerns over the scale of windows and windows facing sideways to neighbouring land.

Response: Overbearing, overshadowing and the scale of no.481's garden has been considered within the residential amenity section of this report. It is concluded, on balance, that the development would not result in material harm to the amenity of neighbouring residents.

The side facing windows have been removed following later revisions, with the exception of one small window, to be obscure glazed.

- Concerns that, due to high winds in the area fences will be damaged. This is why there are not many high fences in the area.

Response: Officers are satisfied that suitably designed fencing could be accommodated on site to address this concern.

- The development will impact upon neighbouring properties security lighting, which is designed to trigger on movement.
- Concerns of light pollution from the new dwelling.

Response: Should the development require alterations to neighbouring security lighting, it would not form a material planning consideration. Domestic dwellings are not considered to be a typical source of light pollution.

- Objection because of loss of views caused by the new dwelling.

Response: Loss of views is not a material planning consideration. The development's impact on residential amenity has been considered and, on balance, found to be acceptable.

- Concerns that the new building will be built bigger than shown on the plans.

Response: Should this or another breach in planning control take place, K.C. Planning Enforcement would be required to investigate.

- The plan shows the removal of a tree in neighbouring land. This is outside the control of the applicant.

Response: The removal of the tree has been removed from the plan.

11.0 CONCLUSION

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

11.2 The site falls within unallocated land, where development is appropriate subject to an assessment of its local impact. Seeking residential development, this is supported in principle, again subject to its local impact.

11.3 The dwelling as proposed is considered, on balance, not to cause undue harm to the visual amenity of the area or the residential amenity of neighbouring dwellings. Future occupiers of the original dwelling to the north and the new dwelling would likewise have an acceptable standard of amenity. There is considered to be no harm to the safe and efficient operation of the Highway, with there being no other conflicts with material considerations.

11.4 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. Time limit
2. Done in accordance with plans
3. Prescriptive materials
4. Sightlines to be provided and retained
5. Secure layout for highways
6. Electric vehicle charging point
7. Erection of boundary treatment and future retention
8. No new side windows
9. 1st floor bathroom window obscure glazed
10. Remove PD rights for extensions and outbuildings

Background Papers

Application files

Accessible at;

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91581>

Certificate of Ownership

Certificate B signed. Noticed Served on;

K.C. Council (associated Highways works)