
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 05-Aug-2020

Subject: Planning Application 2020/90761 Demolition of existing workshop and erection of dwelling with garage/workshop at ground floor land between, 12 & 14, Knowl Road, Mirfield, WF14 8DQ

APPLICANT

J Evans

DATE VALID

09-Mar-2020

TARGET DATE

04-May-2020

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: Mirfield

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

Refusal:

1. The proposed development would result in a large building located in very close proximity to the Public Right of Way to the south of the site which would result in an overbearing impact on the users of this footpath. To approve the application would mean that the proposed development fails to comply with Policies LP23 and LP24 (e) Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework, which set out that public rights of way should be protected and enhanced and that the risk of crime should be minimised.

2. The proposed development would not promote good design, failing to respect the local character of the area and the context in which it would be located. The dwelling would detract from the area as a result of the fenestration details especially the large areas of glazing and the large side dormers to be faced in zinc cladding, none of which are evident in the surrounding dwellings which are predominantly of a traditional appearance. As a result of the poor siting of the dwelling on a cramped site, the proposed development represents poor design and overdevelopment of the application site. The proposed development would be significantly harmful to visual amenity and would not promote good design, failing to comply with Policy LP24 (a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. By virtue of the proximity of the proposed dwelling to the existing dwellings surrounding the site and the positioning of openings to the front of the proposed dwelling, it would result in a detrimental overbearing and overlooking impact on nos. 10 and 16 Knowl Road, failing to ensure that the existing occupiers of the surrounding development would have a high standard of amenity which is required in Policy LP24 (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

1.1 INTRODUCTION:

1.2 The application is brought to the Strategic Planning Committee following a request from Cllr Lees Hamilton which states the following:

- The site would be an infill site as the building was previously two cottages
- The building is unsightly and the area would be greatly enhanced were the planned development to go ahead
- Current application greatly reduced in size and height from the first application
- There is amenity space without sacrificing parking provision

- Willing to use whatever materials
- Willing to remove glass apex to remove any overlooking of neighbouring property
- Neighbouring property at no. 10 will gain two foot of driveway access
- Reducing the height of the dwelling will remove one bedroom and not make the development viable (two bedrooms are required)
- Dwelling would remove any anti social behaviour as there would be an occupied dwelling to the side rather than an empty unit
- Height of the proposed dwelling will make no difference because the walls of the section of the footpath are very high.

1.2 The Chair of the Strategic Planning Committee has confirmed that Councillor Lees Hamilton's reasons for referral to committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

2.1 The application site relates to a garage building in between nos. 12 and 14 Knowl Road in Mirfield. The garage is single storey and constructed from pebble dash render and natural stone. The building has an area of associated hard standing to the front and side. At the time of the site visit, the openings were blocked up. The site is surrounded by stone boundary walls, one of which provides a boundary between the garage building and the public right of way to the south.

2.2 Surrounding the site is predominantly residential, with a variety of types of dwellings in the area. To the northeast is Crowlees C of E Junior and Infant School. The public right of way mentioned above (MIR/49/10) runs from Knowl Road to the school.

2.3 The site is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL

3.1 Planning permission is sought for the demolition of the existing workshop and the erection of 1 dwelling with garage/ workshop.

3.2 To facilitate the development, the existing workshop at the site will be demolished.

3.3 The dwelling would be 7.9 metres in overall height (5.1 metres to the eaves), approx. 7metres in width and 12 metres in length.

3.4 The dwelling would have side dormers and would have a large expanse of glazing on the front elevation.

3.5 The dwelling would be constructed in a varied palette of materials including stone, zinc cladding and pale coloured render.

3.6 The site would be accessed from Knowl Road and the submitted site plan shows garden area to the front and side of the dwelling and parking at ground floor within the proposed dwelling.

3.7 It is important for Members to note that the following changes have been made since the previous application was refused:

- Change of materials (from blue brick and render to stone, zinc cladding and render)
- Addition of dormers to side elevations
- Reduction in overall height (from 9.4m to 7.9m)
- Addition of amenity space to front and side of the dwelling house
- Parking within the garage (previous application showed parking to the front)
- Removal of front balconies and installation of Juliet balcony
- Alterations to arrangements of openings

4.0 RELEVANT PLANNING HISTORY

4.1 2019/93181 – Demolition of existing workshop and erection of dwelling with garage/ workshop at ground floor REFUSED

4.2 2014/93117 – Erection of single storey extension and detached garage APPROVED (no. 16 Knowl Road)

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 The case officer advised the applicant of the changes that needed to be made to the proposed development in order for Officers to be satisfied that local and national planning policies are being met. The applicant has not submitted amended plans and therefore Officers have concerns as set out in this report. Officers do not consider that the previous reasons for refusal have been overcome.

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.

6.3 Kirklees Local Plan (KLP):

LP1 – Presumption in favour of sustainable development

LP2– Place shaping

LP21– Highway Safety

LP22– Parking Provision

LP23 – Core walking and cycling network

LP24– Design

LP27 – Flood Risk

LP28 - Drainage

LP51 – Local air quality

LP53 – Unstable and contaminated land

6.4 National Planning Policy Framework:

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well designed places

Chapter 14 – Meeting the need for climate change, coastal change and flooding

Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 11 representations have been received which raise the following points:

- Side road has been a right of way since 1870s
- How could a right of way be a flowerbed/garden area
- Large and imposing structure for use as a dwelling, too large for the site
- Parking is scarce on Knowl Road and around the residences near the police station
- Has minimal ground space so has to be built upwards to generate enough living space
- Overbearing impact on the public right of way, darker at night and attract those with criminal intent
- People hang around on the footpath, drinking alcohol and discarding cans and bottles for others to clear up
- Not in keeping with surroundings
- Overbearing and overlooking impact on no.s 10, 12, 14 and 16 Knowl Road
- Poor standard of amenity as a result of the development
- Structure would be intrusive and intimidating
- Address of site is different, is this part of the strategy to cause confusion?
- There will be trellis and flowerbeds at the top of cart road that will protrude into space required to access and progress to neighbouring dwellings
- There have been collisions in the past
- Deeds state have right to use the unmade private street and for drainage, and for laying of gas, electricity cables and maintaining the surface
- Proposal contravenes NPPF and LP24
- Noise disturbance from use of the workshop
- Workshop is used to manufacture furniture, causing noise and dust
- Parking issues
- Works would be disruptive
- Overshadowing property to the east
- Will have direct relationship with garden area and conservatory of no. 10, oppressive and overbearing
- Several errors in plans – 3 roof lights shown in dotted outline on 2nd floor plan should be shown as solid lines, as should outline of the south edge of the outer wall
- Little natural daylight for occupiers, may need future modifications to add more windows - condition for PD rights to be removed if application is approved

- Concerned re how far the roof section may overhand the public footpath, plans do not make sense
- Fails to meet or comply with any of the significant concerns raised by the case officer as part of the original planning application
- Application now incorporates stonework, but has modern glass front elevation
- Small seating area does not address concerns re residential amenity
- Reference to Mirfield Design Guide
- Do not think radically different design works in a tight infill site situation, although noted that stone and render is to a degree sympathetic with other local properties
- Discussion with Town Council should take place, no evidence that this has taken place, or its outcome
- Increased traffic cannot be managed
- No consideration for access or delivery or emergency vehicles, or rubbish collection – no swept path provided
- Overdevelopment of the site
- Examples provided cannot be used as comparisons to the application site

7.2 The applicant has provided the following comments in relation to the neighbour representations that have been received:

- Aware of the rights of way for no. 10, 14 and 16
- Number 12 only has access by foot and bike and no rights to park (signage at the site)
- Parked vehicles often found on Knowl Road rather than occupiers' own land
- Tried to achieve my needs whilst taking into account others
- Been approached by others to buy garage to build cars, this would be a noisy use for the neighbours
- Building has been reduced in height considerably since the previous application
- Building materials reflect the property as it stands now and compliments surrounding properties which are exactly the same design
- Using render and stone is to break up the amount of stone that would be in the area
- No business has been run from the site, don't intend to start a business. Garage will be for personal storage
- Dwelling is for a place to live for applicant and to store tools and vehicles
- Planning application shows new boundary line before narrow cart road starts, this used to be narrower and have a chain linked fence down the side, and gate post and stone wall to frontage made a narrower entrance towards no. 10
- Previously knocked walls down in front of the garage to allow parking for vehicles, knowing couldn't park on the access road
- Previous to this, neighbours had no concerns with access and turning of vehicles
- This proposal increases the cart road by a metre in width, knowing that this is a tight area
- Flower beds and shrubs are on my land and are decorative – to make it less likely for undesirable people to loiter.
- Access to the school or public footpath is not being restricted

- Would provide better surface to the unmade road
- If application is not granted, could build a wall around the garage, people do not have a right to use land for turning
- Feel that an amenity space has been provided as requested

7.3 The following comments have also been made by Cllr Lees Hamilton (ward member for Mirfield area):

- The site would be an infill site as the building was previously two cottages
- The building is unsightly and the area would be greatly enhanced were the planned development to go ahead
- Current application greatly reduced in size and height from the first application
- There is amenity space without sacrificing parking provision
- Willing to use whatever materials
- Willing to remove glass apex to remove any overlooking of neighbouring property
- Neighbouring property at no. 10 will gain two foot of driveway access
- Reducing the height of the dwelling will remove one bedroom and not make the development viable (two bedrooms are required)
- Dwelling would remove any anti social behaviour as there would be an occupied dwelling to the side rather than an empty unit
- Height of the proposed dwelling will make no difference because the walls of the section of the footpath are very high.

Mirfield Town Council – no comments received.

Officer comments will be made in the representations section of this report.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultee responses, where appropriate, they are referred to further in the main assessment in Section 10.

K.C Highways Development Management – noted that applicant has not shown the existing road and footway across the site frontage.

K.C. Public Right of Way – Object to the application on the grounds of creating a tunnel effect.

9.0 MAIN ISSUES

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

10. APPRAISAL

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.
- 10.2 In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.
- 10.3 As well as the above, Chapter 5 of the National Planning Policy Framework also states that Local Planning Authorities should be aiming to achieve the Government’s objective of significantly boosting the supply of homes. Whilst this planning application is only for one dwelling, the proposal complies with this aim.
- 10.4 It is important for Members to note the recent planning history on the site. A planning application for the erection of one dwelling was refused on the grounds of visual amenity, residential amenity and the harm that would occur for the users of the public right of way as a result of the large structure that is proposed. Officers do not consider that all of the reasons for refusal have been overcome.
- 10.5 Officers have engaged with the applicant, but the advice given has not been fully taken on board in the current scheme.

Impact on visual amenity

- 10.6 The impact on visual amenity is unacceptable for the reasons discussed within this section of the report. Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that the form, scale and layout of development respects and enhances the character of the townscape and landscape. The National Planning Policy Framework states that developments will add to the overall quality of the area and are visually attractive as a result of good architecture.
- 10.7 The site is located between no. 12 Knowl Road and no. 14 Knowl Road, both of which are two storey natural stone buildings of a relatively traditional appearance. Nos. 10 and 16 Knowl Road are also of a similar appearance, with each of the residential dwellings having reasonable areas of associated amenity space.
- 10.8 In the case of the proposed dwelling, this is a two and a half storey dwelling with a contemporary appearance by virtue of the large extent of glazing to the front elevation, with large side dormers to be faced in zinc cladding to create living accommodation within the roof space. For the external walls of the main dwelling, there is also a mix of materials including natural stone at ground floor and white render at first floor. Whilst it is noted by Officers that the proposed materials are an improvement to what has previously been proposed and the materials of the dwelling would not be out of place in this area, the combination of the scale of the dwelling along with the large dormers and glazing would create a feature in the area that is not evident elsewhere,

and that appears cramped in its plot. The proposed dwelling is large in scale, dominating its surroundings and being overly prominent in the context in which it sits. Officers consider that the poorly designed dwelling, which does not have any design features that respect its context, results in an incongruous mass of built form. Whilst it is acknowledged that the layout of the proposed dwelling has been amended to incorporate an area of amenity space for the occupiers of this dwelling, and the scale has been reduced, this is not considered by Officers to be sufficient to address the previous concerns.

- 10.9 Considering the small size of the site and the scale of the proposed development surrounded by existing development, the proposed dwelling would represent overdevelopment of the site and would fail to respect the form and layout of surrounding dwelling, where existing residential properties have large private garden spaces. The existing building is single storey and currently read as a subservient addition associated with a nearby building (likely the Police Station).
- 10.10 Officers consider that the scale of the dwelling is dominant and overly prominent in its context, harming the character of the area for the reasons discussed above. The dwelling would be visible from the public right of way to the rear and from Knowl Road, being read out of context with the neighbouring properties and harming the character of the street scene.
- 10.11 The proposed dormers are not considered to be appropriate in the context of the area and would not harmonise with neighbouring dwellings or enhance the appearance of the proposed dwelling itself. The ad hoc design features within the dwelling are a poor form of design that do not result in attractive architecture and do not reflect the local character. The proportions, scale and details of the fenestration, as well as the large scale of the dormers which dominate both side roof slopes do not contribute to the area, but instead, would cause harm to visual amenity. The proposed dwelling fails to be sympathetic to local character including the surrounding built environment as required by paragraph 127 (c) of the National Planning Policy Framework.

Overall

- 10.12 Officers consider that the proposed development is unacceptable from a visual amenity perspective and would not promote good design, failing to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity

- 10.13 The impact on residential amenity will be assessed below. The individual relationship with occupiers of neighbouring properties and the proposed dwelling will be discussed.
- 10.14 The National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan state that development proposals should provide a good level of amenity for future and nearby occupiers of developments.

Impact on no. 16 Knowl Road

- 10.15 The proposed built form is a reasonable distance from this site and has an indirect relationship with the dwelling itself which has openings in the side and front elevations. Considering this relationship and the distance, the increase in scale and built form will not result in an overbearing impact for the occupiers of this dwelling.
- 10.16 However, Officers have considered the previous reason for refusal and whilst it is noted that the balconies that were previously submitted have been removed, it is noted that there is still a large extent of glazing to the front serving habitable rooms. This would look directly into the private amenity space of this neighbouring dwelling.
- 10.17 Officers consider that there would be detrimental harm to the occupiers of no. 16 as a result of the elevated position of the openings which would provide an opportunity for the occupiers of the proposed dwelling to directly overlook this garden space, significantly harming amenity over and above the existing situation. It is important for Members to note that this was part of the previous reason for refusal and the applicant has not overcome this concern.

Impact on no. 14 Knowl Road

- 10.18 The proposed dwelling would be much larger in scale than the existing garage and therefore consideration has been given to the potential overbearing impact on the occupiers of this dwelling. No. 14 has habitable room windows at first floor with a porch at ground floor serving a non-habitable room. Considering the habitable room windows and the extent of built form that would be proposed, the distance between the properties is not considered to be sufficient to avoid an overbearing impact to these windows. The resultant bulk and massing of the proposed dwelling would result in an oppressive impact and a significantly reduced outlook for the occupiers of this dwelling.
- 10.19 Officers are satisfied that the previous reason for refusal that related to overlooking from the application site has been overcome and therefore Officers are not recommending that Members consider overlooking in this case. The windows facing no. 14 Knowl Road are non habitable and therefore this element of the previous reason for refusal has been overcome.

Impact on no. 10 Knowl Road

- 10.20 In terms of overbearing, the proposed dwelling will have a direct relationship with the garden of no. 10 Knowl Road at close proximity. Considering the scale of the dwelling, its height, bulk and massing would result in a harmful impact on the users of this private garden space and their rear conservatory (it is noted that this is set back) through an oppressive and overbearing impact, with the users of this space facing a large blank elevation at very close proximity to their private habitable spaces.
- 10.21 Taking into account the close relationship between the proposed dwellings, the new dwelling would fail to comply with paragraph 127 of the National Planning Policy Framework which states that planning decisions should create a high standard of amenity for existing and future users.

- 10.22 In terms of overlooking/loss of privacy, there are no openings proposed in the rear elevation of the proposed dwelling and therefore there is no overlooking as a result of the proposed dwelling.
- 10.23 If the application was to be approved, a condition would be recommended to remove permitted development rights for new openings in this elevation to avoid any future overlooking/loss of privacy. Overlooking to this property would therefore not form a reason for refusal. However, this does not overcome the concern set out in paragraphs 10.20 and 10.21.

Impact on no. 12 Knowl Road

- 10.24 The existing garage is located in close proximity to this building, with the proposed new structure being significantly larger in scale and therefore the case officer has considered a potential overbearing impact. No. 12 Knowl Road has openings in the side elevation at ground floor and a small opening at first floor. However, these openings do not serve habitable rooms as the building is used as a police station. Considering this, the relationship between the buildings, whilst very close, would not result in a harmful impact on the occupiers of the police station through overbearing. Officers are satisfied that this relationship is acceptable.
- 10.25 In terms of overlooking/ loss of privacy, it is noted that there are habitable room openings in the side elevation facing this site and therefore consideration has to be given to any harmful impact that may result from these windows. In this case, given that no. 12 Knowl Road is not a residential dwelling, it is not considered that there would be any harm to the users of this building. Officers consider that the relationship with this neighbouring property is acceptable, and as per the previous planning application, there does not form a reason for refusal of the application.

Impact on Astral Club

- 10.26 This building is not in residential use and from the site visit, appeared to be boarded up and not in use. Notwithstanding whether the building is in use, whilst the proposed bulk and massing is significant, especially in close proximity to the site, given the indirect relationship, the lack of habitable room windows in the side elevation (all windows blocked up at time of site visit) of this building and the fact that no openings are proposed in the rear of the proposed dwelling, it is not considered by Officers that there would be harmful relationship between the buildings to constitute a reason for refusal.

Future occupiers of the proposed dwelling

- 10.27 As part of the previous application, one of the reasons for refusal related to the lack of private amenity space for the occupiers of this proposed dwelling, thus Officers considered that a good standard of amenity for the future occupiers of the proposed dwelling was not achieved.
- 10.28 In this case, the submitted site plan shows amenity space to the side and rear of the dwelling and Officers consider that this, subject to appropriate boundary treatments, would be satisfactory and provide an acceptable level of amenity for the occupiers of the dwelling complying with paragraph 127 (e) of the

National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan. The previous reason for refusal in this regard has been overcome.

Overall

10.29 Officers consider that the proposed development is unacceptable from a residential amenity perspective as set out above, and Officers consider that the proposed development fails to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Highway issues

10.30 The impact on highway safety is acceptable. As part of the previous application at the site, the applicant confirmed that the workshop is not used for commercial purposes and therefore the number of trips generated is acceptable and will not result in Highway Safety issues. It is noted that the applicant has not shown the existing road and footway across the site frontage, however, Highways Development Management are satisfied that this can be achieved and therefore this does not form a reason for refusal of the proposed development.

10.31 The parking provision at the site is acceptable. The proposed dwelling will have 2 bedrooms and therefore 2 car parking spaces should be provided, and shown to be located within the garage at ground floor of the proposed new dwelling. In this case, Highways Development Management have reviewed the application site and the proposed development and Officers are satisfied that the proposed development is acceptable in its current form, complying with Local Plan Policies LP21 and LP22 of the Kirklees Local Plan.

Other matters

Public Right of Way (MIR/49/10)

10.32 Chapter 8 of the National Planning Policy Framework states that planning decisions should protect and enhance public rights of way and access. Policy LP23 of the Kirklees Local Plan also reiterates this, stating that existing public rights of way should be protected and enhanced.

10.33 Considering the above, the case officer has consulted the Public Right of Way team to understand the impact of the proposed dwelling on the users of the footpath. The footpath runs from Knowl Road to Crossley School and therefore is considered to be well used.

10.34 It is acknowledged that there is currently a garage building abutting the public right of way but this is single storey and results in a small building in close proximity to the users of the footpath.

10.35 In this case, the case officer concurs with the view of the K.C Public Rights of Way team that the proposed three storey structure which replaces a single storey garage would result in an oppressive impact of the users of the public footpath. The proposed dwelling would result in an overbearing impact that would have a negative impact on the amenity of the users of this path. It is the height of the proposed dwelling that is the main cause for concern in this instance, resulting in a dominant building on a small, constrained plot.

- 10.36 Taking into account the above, Officers are satisfied that the proposed development fails to comply with point e) of Policy LP24 of the Kirklees Local Plan which states the risk of crime is minimised by enhancing security and the promotion of well-defined routes and high levels of activity. Whilst the K.C Police Architectural Liaison Officer has confirmed that the proposed development is not likely to increase the likelihood of crime, the large scale dwelling abutting a public right of way which is not straight (and therefore includes corners where offenders could hide), means that the risk of crime is not minimised in this instance as requested by the National Planning Policy Framework.
- 10.37 With the above in mind, the proposed development fails to comply with Policy LP23 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

Hardstanding

- 10.38 If the application were to be approved, a condition would be recommended to ensure that any hardstanding is constructed of a permeable surface to ensure that the surface is adequately drained in the interests of avoiding flood risk matters.
- 10.39 The proposal, subject to the imposition of a condition, is considered to comply with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework

Electric Charging Point

- 10.40 If the application is to be approved, a condition would be recommended to ensure that an electric charging point is provided prior to the occupation of the new dwelling. This is to promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development.
- 10.41 The proposed development complies with LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Ecology

- 10.42 The site is not in the bat alert layer on the Council's GIS mapping system. Notwithstanding this, Chapter 15 of the National Planning Policy Framework states that planning decisions should conserve or enhance biodiversity and where opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 10.43 K.C Ecology Officer informally reviewed the previous application and that if the application was to be approved, a condition would be needed to request that measures to be incorporated into the development were secured. For example, a bat box. Further details of this could be explored should a future application be submitted.
- 10.44 The proposed development complies with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Climate Change

- 10.45 Policy LP51 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle.
- 10.46 The NPPF emphasises that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development.
- 10.47 In this case, given the small scale of the proposed extensions to an existing domestic property, the proposed development will not result in climate change impacts that need mitigation, in accordance with Local Plan Policy LP51 of the Kirklees Local Plan which states that development will be expected to demonstrate that it is not likely to result in, directly or indirectly, an increase in air pollution which would have an unacceptable impact on the natural and built environment.

Drainage

- 10.48 The application form states that foul water will be connected to the mains sewer which is acceptable. It also states that surface water runoff is also proposed to be disposed of through the mains sewer.
- 10.49 Kirklees Local Plan Policy LP28 preamble states the following:
When proposing new developments, surface water issues need to be addressed in terms of existing surface water and potential increases to run-off resulting from the development. Effective management of surface water can help to prevent increased flood risk”
- 10.50 In this case, a solution to surface water runoff is not proposed through the sustainable system of urban drainage and therefore consideration has to be given to the extent that the proposed development meets Policy LP28.
- 10.51 No discussions in relation to alternative solutions have been discussed through the course of the planning application because the application is not suitable in its current form. This could be resolved via condition and therefore this does not form a further reason for refusal of the application.

Coal Mining Risk Area

- 10.52 The application site is in a low coal mining risk area and therefore a Coal Mining Risk Assessment and consultation with the Coal Authority is not required in order to establish whether the development is proposed on unstable land.

10.53 Instead, if the application is to be approved, a footnote would be added to the decision notice to provide the applicant with some advice on the best course of action if coal mining works are found during construction. The proposed development complies with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Representations

10.54 11 representations have been received which raise the following points:

- Side road has been a right of way since 1870s
- How could a right of way be a flowerbed/garden area
Officer comment: this is noted.
- Large and imposing structure for use as a dwelling, too large for the site
Officer comment: see visual amenity section of this report.
- Parking is scarce on Knowl Road and around the residences near the police station
Officer comment: the parking provision required for this development is accommodated within the proposed dwelling. See highway safety section of this report.
- Has minimal ground space so has to be built upwards to generate enough living space
Officer comment: this is noted. Overdevelopment of the site is a concern for Officers.
- Overbearing impact on the public right of way, darker at night and attract those with criminal intent
Officer comment: Officers are concerned that the large scale of the dwelling in comparison to the existing single storey structure would result in an overbearing impact for the users of this footpath.
- People hang around on the footpath, drinking alcohol and discarding cans and bottles for others to clear up
Officer comment: this is noted.
- Not in keeping with surroundings
Officer comment: see visual amenity section of this report.
- Overbearing and overlooking impact on no.s 10, 12, 14 and 16 Knowl Road
Officer comment: see residential amenity section of this report.
- Poor standard of amenity as a result of the development
Officer comment: Officers consider that this is the case for some of the neighbouring dwellings as identified within the residential amenity section of this report.
- Structure would be intrusive and intimidating
Officer comment: see visual amenity section of this report.

- Address of site is different, is this part of the strategy to cause confusion?
Officer comment: the red line of the application site as identified on the site location plan is the same as the previous application.
- There will be trellis and flowerbeds at the top of cart road that will protrude into space required to access and progress to neighbouring dwellings
Officer comment: this is not a planning matter.
- There have been collisions in the past
Officer comment: this is noted. However, given the small scale of the proposed development is it not considered that this would result in highway safety issues.
- Deeds state have right to use the unmade private street and for drainage, and for laying of gas, electricity cables and maintaining the surface
Officer comment: this is note a planning matter.
- Proposal contravenes NPPF and Policy LP24
Officer comment: this is the case. See officer report for the assessment of the proposed development against these policies.
- Noise disturbance from use of the workshop
Officer comment: the proposed development is for a residential dwelling, not a workshop
- Workshop is used to manufacture furniture, causing noise and dust
Officer comment: the proposed development is for a residential dwelling, not a workshop.
- Parking issues
Officer comment: see highway safety section of this report. The dwelling can accommodate 2 parking spaces which is acceptable.
- Works would be disruptive
Officer comment: for a small scale development, issues arising as a result of the construction period are not a material planning consideration.
- Overshadowing property to the east
Officer comment: see residential amenity section of this report.
- Will have direct relationship with garden area and conservatory of no. 10, oppressive and overbearing
Officer comment: see residential amenity section of this report.
- Several errors in plans – 3 roof lights shown in dotted outline on 2nd floor plan should be shown as solid lines, as should outline of the south edge of the outer wall
Officer comment: this is noted. However, given that the application is recommended for refusal, this is not a concern.

- Little natural daylight for occupiers, may need future modifications to add more windows - condition for PD rights to be removed if application is approved
Officer comment: see residential amenity section of this report. The proposed development is recommended for refusal.
- Concerned re how far the roof section may overhang the public footpath, plans do not make sense
Officer comment: the application dwelling will not overhang the public footpath
- Fails to meet or comply with any of the significant concerns raised by the case officer as part of the original planning application
Officer comment: this is noted. Officers still have concerns with the proposed development.
- Application now incorporates stonework, but has modern glass front elevation
Officer comment: this is noted. See visual amenity section of this report.
- Small seating area does not address concerns re residential amenity
Officer comment: the area of amenity space provided to the front of the dwelling is acceptable to provide an adequate amount of amenity space and to overcome the concerns relating to a space for the future occupiers of this dwelling.
- Reference to Mirfield Design Guide
Officer comment: this is noted.
- Do not think radically different design works in a tight infill site situation, although noted that stone and render is to a degree sympathetic with other local properties
Officer comment: see visual amenity section of this report.
- Discussion with Town Council should take place, no evidence that this has taken place, or its outcome
Officer comment: as part of the planning process, Mirfield Town Council have been notified. No comments have been received.
- Increased traffic cannot be managed
Officer comment: the increase in traffic is minimal given that the development is only for one dwelling and parking is being accommodated within the site.
- No consideration for access or delivery or emergency vehicles, or rubbish collection – no swept path provided
Officer comment: see highway safety section of this report.
- Overdevelopment of the site
Officer comment: see visual amenity section of this report and reason for refusal
- Examples provided cannot be used as comparisons to the application site

Officer comment: this is the case. The application has been assessed on its own merits.

The applicant has provided the following comments in relation to the neighbour representations that have been received:

- Aware of the rights of way for no. 10, 14 and 16
Officer comment: this is noted
- Number 12 only has access by foot and bike and no rights to park (signage at the site)
Officer comment: this is noted and not a planning matter.
- Parked vehicles often found on Knowl Road rather than occupiers' own land
Officer comment: this is noted. This is not a planning matter but it is important to note the highway safety section of this report.
- Tried to achieve my needs whilst taking into account others
Officer comment: it is noted that amendments have been made but these are not considered to be significant enough to overcome the concerns. Officers consider that there would be a detrimental impact on the occupiers of neighbouring properties as set out in the residential amenity section of this report.
- Been approached by others to buy garage to build cars, this would be a noisy use for the neighbours
Officer comment: this is not relevant to the determination of this application.
- Building has been reduced in height considerably since the previous application
Officer comment: it is noted that the dwelling has been reduced in height, but this is not considered to be significant or considerable.
- Building materials reflect the property as it stands now and compliments surrounding properties which are exactly the same design
Officer comments: the materials for the external walls are acceptable.
- Using render and stone is to break up the amount of stone that would be in the area
Officer comment: the materials are acceptable.
- No business has been run from the site, don't intend to start a business. Garage will be for personal storage
Officer comment: the application has been assessed on this basis.
- Dwelling is for a place to live for applicant and to store tools and vehicles
Officer comment: this is noted.
- Planning application shows new boundary line before narrow cart road starts, this used to be narrower and have a chain linked fence down the side, and gate post and stone wall to frontage made a narrower entrance towards no. 10
Officer comment: noted.

- Previously knocked walls down in front of the garage to allow parking for vehicles, knowing couldn't park on the access road
Officer comment: this is noted.
- Previous to this, neighbours had no concerns with access and turning of vehicles
Officer comment: see highway safety section of this report.
- This proposal increases the cart road by a metre in width, knowing that this is a tight area
Officer comment: this is a benefit but it does not outweigh the harm as identified within this report
- Flower beds and shrubs are on my land and are decorative – to make it less likely for undesirable people to loiter.
- Officer comment: this is noted.
- Access to the school or public footpath is not being restricted
Officer comment: it is acknowledged that the access to the school is not being restricted, however there are concerns about the impact on the users of the PROW due to the frequency of its use.
- Would provide better surface to the unmade road
Officer comment: this is a benefit, but does not outweigh the harm.
- If application is not granted, could build a wall around the garage, people do not have a right to use land for turning
- Officer comment: this is irrelevant to the determination of the planning application. The application is being assessed on the basis of what has been submitted.
- Feel that an amenity space has been provided as requested
Officer comment: the amenity space that has been provided is acceptable and this part of the previous reason for refusal has been overcome.

The following comments have also been made by Cllr Lees Hamilton (ward member for Mirfield area):

- The site would be an infill site as the building was previously two cottages
Officer comment: this is noted.
- The building is unsightly and the area would be greatly enhanced were the planned development to go ahead
Officer comment: see visual amenity section of this report which relates to Officer concerns about the application.
- Current application greatly reduced in size and height from the first application
Officer comment: Officers do not consider that the scale of the dwelling is not reduced significantly enough to ensure that the reasons for refusal of the previous application have been overcome.

- There is amenity space without sacrificing parking provision
Officer comment: this is noted and does not form a reason for refusal of the planning application.
- Willing to use whatever materials
Officer comment: the proposed materials are natural stone and white render. The materials are acceptable – as can be seen from the visual amenity section of this report, this is not a fundamental concern. It is the principle of a large dwelling in this location
- Willing to remove glass apex to remove any overlooking of neighbouring property
Officer comment: the case officer has raised the concerns about overlooking and the submitted plans show large amounts of glazing in the front elevation which lead to a harmful overlooking impact.
- Neighbouring property at no. 10 will gain two foot of driveway access
Officer comment: the site plan is noted.
- Reducing the height of the dwelling will remove one bedroom and not make the development viable (two bedrooms are required)
Officer comment: this is noted. The scale of the dwelling proposed is not acceptable for the reasons listed within this report.
- Dwelling would remove any anti social behaviour as there would be an occupied dwelling to the side rather than an empty unit
Officer comment: this opinion is noted. Officers consider that the large structure in close proximity to the public right of way will have a detrimental impact on the users of this public right of way.
- Height of the proposed dwelling will make no difference because the walls of the section of the footpath are very high.
Officer comment: see other matters section of this report. The dwelling is replacing a single storey structure.

11.0 CONCLUSION

- 11.1 To conclude, it is considered that the proposed development would have a harmful impact on visual and residential amenity and Officers consider that the previous reasons for refusal have not been overcome as a result of this proposal. These issues have been discussed in the officer report.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal

12.0 REASONS FOR REFUSAL

1. The proposed development would result in a large building located in very close proximity to the Public Right of Way to the south of the site which would result in an overbearing impact on the users of this footpath. To approve the application would mean that the proposed development fails to comply with Policies LP23 and LP24 (e) Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework, which set out that public rights of way should be protected and enhanced and that the risk of crime should be minimised.
2. The proposed development would not promote good design, failing to respect the local character of the area and the context in which it would be located. The dwelling would detract from the area as a result of the fenestration details especially the large areas of glazing and the large side dormers to be faced in zinc cladding, none of which are evident in the surrounding dwellings which are predominantly of a traditional appearance. As a result of the poor siting of the dwelling in a cramped site, the proposed development represents poor design and overdevelopment of the application site. The proposed development would be significantly harmful to visual amenity and would not promote good design, failing to comply with Policy LP24 (a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
3. By virtue of the proximity of the proposed dwelling to the existing dwellings surrounding the site and the positioning of openings to the front of the proposed dwelling, it would result in a detrimental overbearing and overlooking impact on nos 10 and 16 Knowl Road, failing to ensure that the existing occupiers of the surrounding development would have a high standard of amenity which is required in Policy LP24 (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Background Papers:

Application documents can be viewed using the link below:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/90761>

Certificate A signed and dated 7th March 2020

Link to previously refused planning application ref. 2019/93181 for demolition of existing workshop and erection of dwelling with garage/ workshop at ground floor
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93181+>