
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2020

Subject: Planning Application 2020/90268 Erection of detached dwelling and external alterations adj, 81, Wessenden Head Road, Meltham, Holmfirth, HD9 4HR

APPLICANT

Mr & Mrs Lyons

DATE VALID

28-Jan-2020

TARGET DATE

24-Mar-2020

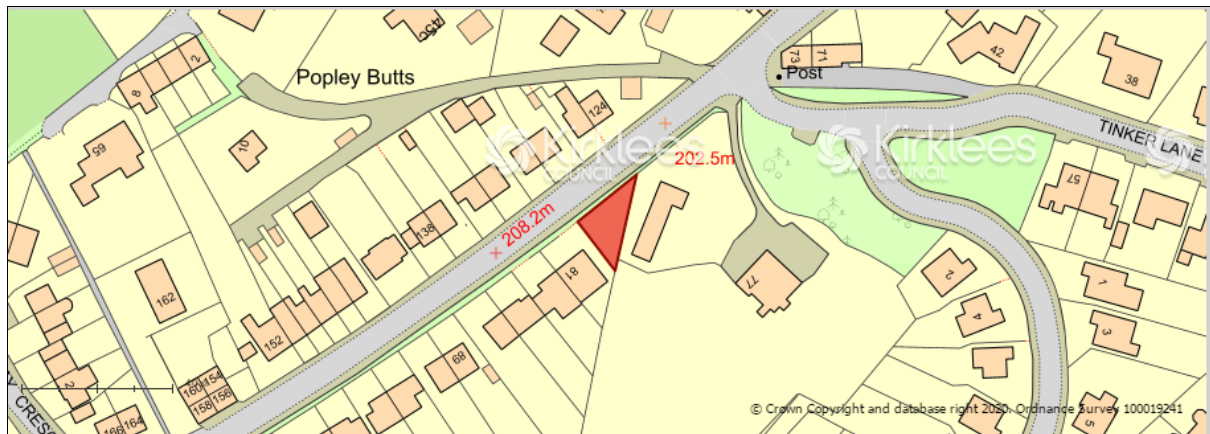
EXTENSION EXPIRY DATE

16-Dec-2020

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 North

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The application is brought to Huddersfield Planning Sub-Committee as the application has been submitted by an elected member of the Council in his personal capacity. This is in accordance with the delegation agreement.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to a triangular-shaped parcel of land which forms part of the curtilage associated with no. 81, Wessenden Head Road, which is positioned to the south-west of the application site. To the east, is a linear-shaped dwelling, known as Coach House. This property occupies a lower level than the application site and is partly screened from the application site by the existing boundary treatment and some landscaping. The dwelling appears to have non-habitable room openings on this elevation, some of which are obscurely glazed. To the north, on the opposite side of Wessenden Head Road are mainly semi-detached properties. Within the streetscene, are a variety of property types, with detached, semi-detached and terraced properties being visible of varying styles and designs.

3.0 PROPOSAL:

3.1 Full planning permission is sought for the erection of a detached dwelling. The dwelling would be built into the site and have a two-storey appearance from the front elevation. The dwelling would have a double-fronted design with a hipped roof form. Due to the roof design, there would also be a small section of flat roof to the rear. The plans indicate that the dwelling would be faced in local natural stone, with the pitched roof elements being finished in concrete interlocking roof tiles. The eaves level of the dwelling would roughly correspond with the eaves level of the attached garage on the host property. A small canopy would be positioned about the front door.

3.2 The dwelling would have an irregular footprint which responds to the shape of the site. It would be set forward of no. 81, Wessenden Head Road by around 2.5m. Given the topography, internally an 'upside-down' approach has been adopted with the main living space being located on the upper floor and 3 bedrooms, a bathroom and wet room on the lower floor. Bi-folding doors on the upper level would provide access onto the top tier of the garden; this

would be a raised area of decking with steps leading down to the lower garden area, supported by a retaining wall. A further external area would be located to the rear and a parking area would be provided to the front at street level.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Relevant planning history is set out below:

2013/92411 – Discharge of condition 3 (Materials) on previous permission 2012/92824 for erection of a detached dwelling

2012/92824 – Erection of detached dwelling – approved

2008/93163 – erection of single storey extensions and alterations – approved

2006/91168 – erection of detached dwelling with integral garage and single storey extension to existing dwelling – approved

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

5.1 Following discussions with the agent, amended plans have been received which alter the design of the dwelling in response to Officer concerns. The latest plan contains further details of ground and finished floor levels.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 The relevant local plan policies are set out below:

- **LP 1** – Presumption in favour of sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 33** – Trees
- **LP 53** – Unstable and contaminated land

Supplementary Planning Guidance / Documents:

6.3 Kirklees Highways Design Guide

National Planning Guidance:

6.4 The relevant national planning policies are set out below:

- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 9** – Supporting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by site notice and two rounds of neighbour notification letters. As a result of the first round of publicity, two representations have been received. The comments are summarised below:

- Overdevelopment of the site
- Site is prone to flooding from the fields behind and can freeze over winter
- Lack of off-road parking
- Will the lamppost need to be moved again?
- Concerns about the design
- Concerns about the loss of privacy of neighbours
- Concerns about publicity
- Concerns that the applicant is on the town council and planning committee
- Concerns that some of the work has already commenced

7.2 A further two representations have been received following publicity on the amended plans.

- The design is an improvement on the original plans
- However the development will still impact on the privacy of neighbours
- The development will still appear out of place within the streetscene
- Overdevelopment and the dwelling would be close to trees and a boundary wall
- Concerns about parking
- Concerns about the applicant's connection to the planning committee
- Concerns about the overbearing impact of the proposed development
- Previous refusals on the application site
- Disruption from the construction phase
- Concerns about the saleability of the property
- Concerns about surface water

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

None

8.2 Non-statutory:

- KC Highways DM: no objection subject to condition
- KC Trees: no objection

8.3 Meltham Town Council commented on the original submission: objecting to the application on the following grounds:

- That the application represented overdevelopment on the site with the layout and density of building design on the site being inappropriate for the available space.
- That the visual appearance of the proposed dwelling and the finishing materials are not in keeping with any of the properties in the vicinity of the proposed development. In particular the flat roof design does not fit into the streetscape which has consistently different elevations and roofing materials.

9.0 MAIN ISSUES

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

10.0 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 National Planning Policy Framework (NPPF). Policy LP24 of the KLP is relevant and states that 'good design should be at the core of all proposals in the district'. Furthermore, Chapter 12 of the NPPF asserts the importance of planning in achieving well-designed places, stating that good design is a key aspect of sustainable development. It also states that planning decisions should ensure a high standard of amenity for existing and future users.
- 10.2 In this instance, it is acknowledged that the application site is located within an established residential area, close to local amenities. As such, the site can be considered acceptable for residential development in principle and an assessment of the proposed development in relation to all material considerations is set out below.
- 10.3 Furthermore, as set out in a preceding section of the report, this site has a history of planning permissions for residential development. The most recent application was approved in 2012, with conditions being subsequently discharged in 2013. From reviewing information available on file and after undertaking a site visit, it appears that work already commenced to

implement the 2012 approval for a detached dwelling on the site. As such, this is a realistic fall-back position for the applicant, should this application not be approved. This is an important material consideration in the determination of this application.

Urban Design issues

- 10.4 Policy LP24 of the KLP is relevant and states that 'good design should be at the core of all proposals in the district'. Furthermore, Chapter 12 of the NPPF asserts the importance of planning in achieving well-designed places, stating that good design is a key aspect of sustainable development.
- 10.5 Wessenden Head Road contains a variety of housing types and styles, with detached, semi-detached and terraced properties of differing ages being visible within the streetscene. Within this section of the streetscene, semi-detached dwellings which hipped roofs appear to be the more dominant property type. Generally, these properties appear to have amenity space to the front and rear, with very little space to the side. The application site is one of the exceptions to this, having a significantly larger area of land to the side of this property than the immediate neighbours that front Wessenden Head Road.
- 10.6 In terms of development density, whilst the plot size would be smaller than other adjacent neighbouring dwellings, there would still be a reasonable area of external amenity space retained within the site as well as an expanse of hardstanding to the front. When compared to the previous approval on the site in 2012, there remains a similar area of land surrounding the proposed dwelling. Whilst it is noted that the site is of an irregular shape, the footprint of the proposed dwelling responds to this and it is also noted that the overall height would be limited when compared to the adjacent no. 81, with plans showing that the eaves level would roughly correspond with that of the neighbouring garage, given that the lower floor would be set at street level. In terms of the position within the site, whilst the dwelling would be set forward of no. 81, by around 2.5m this is less than that of the previous approval on the site from 2012 which contained a projecting element to the front.
- 10.7 Turning to the design of the proposed dwelling, this has been amended during the course of the application in response to officer concerns about the original submission. These concerns were also reflected within comments received on the application. The amended scheme has seen the previous contemporary design revoked in favour of a more traditional design. The roof form is shown to be a hipped design which reflects the roof forms of the properties that immediately relate to the application site and front Wessenden Head Road. Furthermore, the dwelling is shown to be faced in local natural stone. These details will assist in enabling the proposed dwelling to satisfactorily assimilate into the streetscene, taking into account the fall-back position with the 2012 application. Whilst more contemporary designed openings, are proposed for the north eastern elevation, given the shape of the site and the extension of tree screening on the boundary, it is considered that these would not appear overly prominent within the streetscene.

- 10.8 In terms of the alterations to form the split level garden areas as shown on the plan, it is considered that this will have an acceptable impact on the appearance of the streetscene subject to the retaining walls being faced in appropriate materials. It is recommended that these details are secured by condition in the interest of visual amenity.
- 10.9 In summary, when taking into account the planning history of the site and affording this substantial weight and based on the amended plans, the application is considered to have an acceptable impact on visual amenity. To avoid overdevelopment of the site in the future, in the interests of visual amenity, it is recommended that permitted development rights for extensions and outbuilding be removed by condition. Subject to this, the development is considered to accord with the aims of Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

Residential Amenity

- 10.10 Policy LP24 of the KLP is relevant and states that 'good design should be at the core of all proposals in the district'. Furthermore, Chapter 12 of the NPPF asserts the importance of planning in achieving well-designed places, stating that good design is a key aspect of sustainable development. It also states that planning decisions should ensure a high standard of amenity for existing and future users.
- 10.11 In terms of no. 81, Wessenden Head Road, this is the application property. There would be a separation distance of around 2.5m between these properties and only one opening is proposed in the facing side elevation. This would serve a bedroom but would not result in a harmful loss of privacy given the levels changes and the fact that it would face towards the garage element. Whilst there are openings at first floor in the host property, these appear to serve non-habitable windows or be secondary, meaning the impact on residential amenity would be limited. In addition to this, it appears that they would look over the ridge of the proposed dwelling, given the level differences.
- 10.12 In terms of the Coach House, at the closest point, it appears that there is a gap of around 4.2m between properties. When viewed from the application site, the first floor windows are partially visible, however there is screening and boundary treatment along this boundary. From the submitted plans, it is clear that the closest first floor openings are obscurely glazed; the other openings would not have a direct impact with the proposed building itself. Whilst the proposed bi-folding doors on the side elevation would look towards the neighbouring property, the proposed boundary screening of 1800mm closely boarded fencing would mitigate any harmful loss of privacy. It is noted that similar boundary treatment already exists along a section of this boundary. The windows at ground floor would not be unduly impacted as they already have a close relationship with their rear wall at a lower level. The impact on the rooflights would not be dissimilar to that of the previous approval. When compared with the previous approval in 2012, it is considered that there will not be a material increase in harm to the residential amenity of this occupant. From the site visit, it is clear that the main habitable room openings are located on the other elevations of this dwelling.

- 10.13 In terms of the existing properties on the opposite side of Wessenden Head Road, given the proposed separation distances between the existing dwellings and the proposed dwelling, it is considered that a significant overbearing or overshadowing impact would not result. In terms of overlooking, a good separation distance of in excess of 20m would be retained between the front elevations and it is considered that proposed development would not result in a significant loss of privacy for the occupants of these dwellings. Whilst their front garden space would be closer than this, this is not the main private amenity space and is already open to public view.
- 10.14 In terms of the amenity of potential future occupants, it is considered that the future occupants would have a good level of amenity. The proposed dwelling has a reasonable amount of internal space as well as external amenity space and parking area. They would not be unduly overlooked or overshadowed by neighbouring development.
- 10.15 To summarise the proposed development would result in an acceptable impact on residential amenity and complies with the aims of Policy LP24 of the KLP and the aims of the National Planning Policy Framework. The removal of permitted development rights for extensions and outbuildings would prevent further development on the site from causing a material loss of amenity to nearby occupiers of land and buildings.

Highway issues

- 10.16 The proposed development has been reviewed by KC Highways DM. They comment that the adjacent parking area is shown to be extended to be sufficient in size to accommodate two vehicles and bin storage space. Two existing parking spaces are shown to be retained for the existing property. Sight lines from the proposed parking areas onto Wessenden Head Road are good in both directions.
- 10.17 Given that sufficient off-street parking is shown to be provided and sight lines from the proposed parking areas onto Wessenden Head Road are good in both directions Highways Development Management have no objection to these proposals. Furthermore, the proposed parking area is consistent with that approved as part of the previous planning application. A condition is recommended which relates to ensuring that parking areas are adequately surfaced and drained.
- 10.18 In light of the above, the proposed development is considered to be acceptable in terms of highway safety and complies with the aims of Policies LP21 and LP22 of the KLP subject to the aforementioned condition.

Trees

- 10.19 It was noted that there are several trees within proximity of the application site. As such, KC Trees have been consulted on the application.
- 10.20 Following a review of the scheme, together with the planning history on the site, KC Trees comment that the previous application consented a detached dwelling in a similar position as that proposed in this application. In addition to this, they note that there appears to be little scope to adjust the plot to afford more space to the adjacent trees. In summary, KC Trees raise no objection given the previous planning history on the site and that no protected trees will be affected by the scheme.

- 10.21 As such, the proposed development is considered to have an acceptable impact on trees and complies with the aims of Policy LP33 of the KLP.

Drainage issues

- 10.22 The site does not lie within an Environment Agency Flood Zone nor does it lie within a Flood Zone on the SFRA. There are no known watercourses that cross the site.
- 10.23 The application form indicates that both surface water and foul waste will be disposed of by the main sewer however no drainage strategy has been submitted in support of this application discounting more sustainable drainage techniques for surface water disposal first. As such, a condition will be imposed requiring a drainage scheme to be submitted, prior to the commencement of development on the superstructure of the dwelling. This will need to be designed in accordance with the hierarchy of drainage in accordance with the aims of Policy LP28 of the KLP and the aims of Chapter 14 of the NPPF. Where soakaways are proposed, testing that demonstrates that they are an appropriate drainage strategy for the site will need to be submitted.
- 10.24 The inclusion of this condition will allow the application to accord with the aims of Policy LP28 of the KLP and the aims of the NPPF.

Climate Change

- 10.25 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.26 In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. A condition requiring a charging point to be installed at the site is therefore necessary in order to comply with the aims of Policies LP24 and LP51 of the KLP and the aims of Chapter 9 of the NPPF.

Representations

- 10.27 The two representations received during the first round of publicity are set out and responded to below:

- Overdevelopment of the site

Response: this is addressed within the report.

- Site is prone to flooding from the fields behind and can freeze over winter
Response: flood risk and drainage matters are covered within the report.

- Lack of off-road parking

Response: the proposal is considered acceptable in terms of highway safety and parking – this is addressed within the report.

- Will the lamppost need to be moved again?

Response: this is not a planning matter.

- Concerns about the design

Response: this is noted and amended plans have been received.

- Concerns above the loss of privacy of neighbours

Response: this is addressed within the report.

- Concerns about publicity

Response: two rounds of publicity have been entered into. Advertising the application by both site notice and neighbour letter exceeded the minimum statutory requirements.

- Concerns that the applicant is on the town council and planning committee

Response: the application is being progressed in line with the Council's Delegation agreement in order to ensure that a transparent and unbiased decision is made on the application.

- Concerns that some of the work has already commenced

Response: as addressed within the report, the applicant has an implemented planning permission for a dwelling from 2012. It is understood that the works carried out are pursuant to that permission and not to the development under consideration.

10.28 The additional comments received during the second publicity period are summarised and responded to below:

- The design is an improvement on the original plans

Response: noted and agreed by officers.

- However the development will still impact on the privacy of neighbours

Response: this is addressed within the report.

- The development will still appear out of place within the streetscene

Response: this is addressed within the report.

- Overdevelopment and the dwelling would be close to trees and a boundary wall

Response: in terms of overdevelopment, this is addressed within the report; as are matters relating to trees. In terms of being close to a boundary, the visual impact and the impact on residential amenity is addressed within the report. With respect to stability of that boundary, the NPPF makes it clear that the responsibility for land stability issues rests with the landowner/developer.

- Concerns about parking

Response: addressed within the report.

- Concerns about the applicant's connection to the planning committee
Response: addressed above.
- Concerns about the overbearing impact of the proposed development
Response: addressed within the report.
- Previous refusals on the application site
Response: the relevant planning history is set out within the report and there is a recent history of planning approvals on this site for one dwelling.
- Disruption from the construction phase
Response: given that the impact from the construction phase is transient, it is not considered that there would be a significant long-term impact on residential amenity. A footnote recommending hours of working on the site will be added.
- Concerns about the saleability of the property
Response: this is not a material planning consideration.
- Concerns about surface water
Response: noted and addressed within the report. A condition is recommended to ensure an appropriately designed drainage scheme is achieved.

10.29 The comments from Meltham Town Council are set out and responded to below:

Meltham Town Council commented on the original submission: objection to the application on the following grounds:

- That the application represented overdevelopment on the site with the layout and density of building design on the site being inappropriate for the available space.
Response: this has been addressed within the report.
- That the visual appearance of the proposed dwelling and the finishing materials are not in keeping with any of the properties in the vicinity of the proposed development. In particular the flat roof design does not fit into the streetscape which has consistently different elevations and roofing materials.
Response: this is noted and amendments have been received.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard timeframe of 3 years for development to commence
2. Development to be undertaken in accordance with the submitted plans and specifications.
3. Details of all facing and roofing materials to be submitted prior to the superstructure of the dwelling being commenced
4. Details of facing materials for retaining walls to be submitted prior to the superstructure of the dwelling being commenced
4. No new openings to be formed in the walls or roof of the dwelling
5. Surfacing of access and parking areas in permeable materials/scheme
6. Boundary treatment to be installed prior to first occupation and retained thereafter.
7. Surface water drainage scheme to be submitted as a pre-commencement condition.
8. Permitted development rights for extensions and outbuildings to be removed.
9. Electric vehicle charging point to be installed at the site.

Footnote recommending hours of construction working.

Background Papers:

Application and history files:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/90268&file_reference=791684

Certificate of Ownership – Notice served on Kirklees Council Highways section