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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 10-Jun-2021**

**Subject: Planning Application 2021/90209 Erection of detached dwelling adj,  
18, Wells Road, Thornhill, Dewsbury, WF12 0LE**

**APPLICANT**

F Yaqoob

**DATE VALID**

20-Jan-2021

**TARGET DATE**

17-Mar-2021

**EXTENSION EXPIRY DATE**

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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**

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**Electoral wards affected: Dewsbury South**

**Ward Councillors consulted: Yes (referred to in report)**

**Public or private: Public**

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**RECOMMENDATION:**

<p>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</p>
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**1.0 INTRODUCTION:**

- 1.1 This application is brought to committee at the request of Ward Councillor M Ahmed for the following reason:
- 1.2 “I would like members to consider whether the design is really appropriate in terms of the adjacent conservation area, the impacts on highway safety of a new dwelling in this location and whether the proximity to the adjacent 18 Wells Road is actually going to result in a harmful relationship in terms of amenities of the occupiers of the adjacent dwelling.”
- 1.3 The Chair of the Sub-Committee has confirmed that Cllr Ahmed’s reasons for the referral to the committee are valid having regard to the Councillor’s Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 Adjacent, 18 Wells Road, Thornhill, Dewsbury. An area of land measuring 0.02ha which historically formed part of the garden to 18 Wells Road. The site is set on a steep banking with a retaining wall to the north adjoining an existing car park to the Alma Public House. There is an existing mature tree within the site which does not contain a tree preservation order.
- 2.2 The site is situated on a narrow no-through road next to a turning circle. The neighbouring properties are single storey when viewed from Wells Road and two-storey when viewed from The Combs. The surrounding properties are predominantly natural stone with concrete roof tiles.

**3.0 PROPOSAL:**

- 3.1 The applicant is seeking permission for a dwelling with parking.
- 3.2 The proposal is for the erection of a 3 bed detached dwelling with parking and a new access. This would have a single storey appearance from Wells Road with a lower ground floor and two storey appearance to the rear.

- 3.3 The front elevation would have a traditional arrangement of openings whilst the rear would have carefully curated mix of traditional and modern openings with two full height glazed accents and bi-folding doors.
- 3.4 The dwelling would have a width of 11.8m on the ground floor increasing to 16.8m on the lower ground floor with a depth of 6.5m with a parking area to the east which will be formed over the lower ground floor which will have a width of 6m and a depth of 6.5m.
- 3.5 The eaves height on Wells Road would be 2.3m with an overall height of 4.1m with a 1m high wall enclosing the side and rear of the parking area and bin store. The height of the dwelling as viewed from the rear would be 5m to the eaves and 6.9m overall.
- 3.6 The building would be constructed using natural stone for the walls and tiles for the roof covering.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 2004/90732 - Erection of detached dwelling with garage - Refused
- 2004/93212 - Erection of detached dwelling with parking spaces - Approved
- 2008/90818 - Erection of detached dwelling with integral garage and car port - Refused
- 2008/91750 - Erection of one dwelling - approved
- 2019/91764 - erection of detached dwelling - refused and dismissed at appeal

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

- 5.1 The initially submitted plans raised concerns in terms of the appearance of the rear elevation in the context of the conservation area. Amended plans were provided by the agent which initially did not overcome the concerns. However, further negotiations yielded an amendment which provided a balanced arrangement of traditional openings and modern accents and removed the balcony.

#### **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 27<sup>th</sup> February 2019).

##### Kirklees Local Plan (2019):

- 6.2
- LP 01 – Achieving sustainable development
  - LP 02 – Place shaping
  - LP 03 – Location of new development
  - LP 21 – Highway safety
  - LP 22 – Parking

- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and geodiversity
- LP 35 – Historic environment
- LP 53 – Contaminated Land

Supplementary Planning Guidance / Documents:

6.3 None

National Planning Guidance:

- 6.4
- Chapter 2 – Achieving sustainable development
  - Chapter 5 – Delivering a sufficient supply of homes
  - Chapter 11 – Making effective use of land
  - Chapter 12 – Achieving well-designed places
  - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
  - Chapter 15 – Conserving and enhancing the natural environment
  - Chapter 16 – Conserving and enhancing the historic environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised and 14 representations have been received. 4 in support of the proposals and 10 objections. The concerns raised include:-

- The design is not in keeping with the conservation area,
- The new house will overshadow the adjacent dwelling to the west,
- The new dwelling will overlook the neighbouring house to the west,
- Loss of view for the occupants of the property on Combs Road,
- Highway safety and parking concerns,
- The new house would not be on the same building line as the other properties on Wells Road,
- Ground conditions and stability,
- Drainage,
- Contaminated land,
- The plot is too small for a dwelling.

7.2 The amended plans have been advertised by neighbour letter giving neighbours and interested parties till 02/06/2021 to comment. 4 additional responses have been received. However, no new issues have been raised.

**8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

**K.C. Highways Development Management** – support the proposals subject to conditions.

**K.C. Environmental Health** – support the proposals subject to conditions.

8.2 **Non-statutory:**

**K.C. Conservation & Design** – did not support the initial plans or the first set of amendments. However, the current scheme overcomes the concerns in terms of the Conservation Area. Support the proposal.

**K.C. Ecologist** – support the proposal subject to a condition re a bat box to ensure a biodiversity gain.

## **9.0 MAIN ISSUES**

- Principle of development
- Visual amenity including the impact on the Conservation Area
- Residential amenity
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.
- 10.2 The application site was granted planning permission in 2004 and 2008 respectively for the erection of a detached dwelling. Although there was a refusal in 2019, the design and scale were significantly different from the current proposal and is not considered to negate the principle of development here. Given the planning history of this site, officers consider that the principle of developing this site for residential purposes remains acceptable. It is evident that the site has already been vacant for a long period of time. To develop the site for residential purposes would be in line with chapter 11 of the NPPF, which requires local planning authorities to make effective use of land through policies and decisions.
- 10.3 The local planning authority can demonstrate a five year supply of deliverable housing sites. The relevant policies in the recently adopted Local Plan are therefore considered up to date for the purpose of paragraph 11(d) of the NPPF. The presumption stated in paragraph 11(d) of the NPPF does not apply in this occasion and that the proposal shall be assessed against the relevant policies in the adopted Local Plan.

- 10.4 In summary, officers conclude that, having regard to the planning history of the application site alongside the relevant policies in the KLP and the NPPF, the proposal would represent a more efficient use of land than existing and it would positively contribute to the delivery of housing. Accordingly, the principle of the development proposal is considered acceptable and compliant with the aims of chapters 5 and 11 of the NPPF.

#### Visual amenity including the impact on the Conservation Area

- 10.5 The application site is of a sufficient size to support a dwelling, as proposed with a parking area and modest amenity space. The topography of such a steep site does require careful consideration of how to achieve the space with an acceptable design. However, the neighbouring properties to each side appear single storey from Wells Road and two-storey from The Combs. The scheme under consideration has taken a similar approach. The scale is considered to be acceptable.
- 10.6 Considering the constraints of this site, whilst a dwelling may be acceptable, it is considered to be appropriate to remove permitted development rights for any additions to ensure the site does not become overdeveloped or cause harm to the character of the Conservation Area.
- 10.7 The detailing on the front and side elevations includes traditionally styled and proportioned openings, very similar to the adjacent properties and as such would not be out of character with the area. The northern elevation has a fusion of traditional and contemporary features. These have been carefully curated to form an acceptable hybrid of the traditional and contemporary and arranged to have a satisfactory solid to void ratio which in turn would form an appropriate relationship with the neighbouring properties and views from The Combs up to the Thornhill Conservation Area. The roof form is a pitched roof similar to the neighbour properties. The detailing is considered to be acceptable.
- 10.8 The dwelling is proposed to be constructed using natural coursed stone for the walling with tiles for the roof covering. This is in line with the surrounding development which is predominately stone with a mix of stone slate roofs and concrete tiles. The materials are therefore considered to be acceptable.
- 10.9 The design, scale and materials are all considered to be acceptable and would result in an appropriate form of development in this location and with respect to the adjacent Thornhill Conservation Area. The proposals are therefore considered to comply with LP24 and LP35 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.

#### Residential Amenity

- 10.10 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

- 10.11 *Impact on 18 Wells Road:* The proposed position of the new dwelling relative to the adjacent neighbour is such that there would be no significant impact on the amenities of the occupiers of the neighbouring 18 Wells Road. The main ground floor would be situated 10m from the blank side elevation of 18 Wells Road with a door facing. This is a door into the hall which is not a habitable space. The parking area and the floor below would be closer to this neighbour. However, this would be adjacent to the blank side wall and as such would not have any significant impact on the amenities of the occupiers of the adjacent 18 Wells Road. The modest amenity space would be at a lower level to the rear with limited opportunities to affect the amenities of the adjacent neighbour.
- 10.12 *Impact on 18a Wells Road:* The new dwelling would be inset from the boundary with the turning area by 4.2m with a further 11m to the adjacent neighbour to the east. The plans do show double doors on this elevation on the ground floor which would serve a dining room. However, this would look towards the bank side elevation of the neighbour garage and is not considered to result in any loss of privacy. Given the separation together with the scale of the new dwelling proposed, the new dwelling would not have any significantly harmful effect on the amenities of the occupiers of the adjacent 18a Wells Road.
- 10.13 *Impact on 12 Combs Road:* The nearest property relative to the site on Combs Road occupies an elevated position relative to the proposed dwelling and does not actually align with the new house. Given the site is significantly lower together with the scale proposed and the spatial relationship, there would be no significant impact on the amenities of the occupiers of the neighbouring 12 Combs Road.
- 10.14 The properties below on The Combs are situated some 26m from the site. Given this separation together with the topography, the proposed dwelling would have no significant impact on the amenities of the occupiers of the properties on The Combs.
- 10.15 Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the National Planning Policy Framework.

#### Highways

- 10.16 This application is for the erection of a 3 bed detached dwelling with parking and a new access on to Wells Road. Wells Road is a 30mph two way single carriageway residential cul-de-sac of approximately 4.5m width but with pinch points of only 3.2m, with a footway on the side of the proposal site and some street lighting. Wells road is very narrow and there is a turning head adjacent to the proposal site, however Kirklees Highway Safety have records of complaints that this turning head is often parked in and that some delivery and servicing vehicles (including emergency services vehicles) cannot access down the road due to obstruction caused by parked vehicles.

- 10.17 There are stops on a medium frequency route within 150m and there are shops and facilities approximately 680m from the site. There are schools approximately 1km from the site.
- 10.18 The site was granted planning permission for a dwelling previously, but this permission has lapsed. Most recently the site was submitted for planning permission for a 5 bed dwelling (19/91764) but this was refused on, amongst other things, highways grounds due to parking and access issues. The refusal was taken to appeal but the appeal was dismissed.
- 10.19 No trip generation details were provided with the application however the highways Officer does not consider that the proposals will generate sufficient trips as to have a severe impact on the efficiency of the local highway network.
- 10.20 The access is new and would need to be done within the appropriate legal agreement (s184) and this will need to be added as a footnote. No visibility splays were provided with the application and from drawing No 2672 02 we do not think that 2.4m x 43m visibility splays would be achievable, however, on balance given the very low speeds expected and the low volumes of traffic at this end of the cul-de-sac, we don't consider this to be a concern.
- 10.21 The proposals are for a three bed dwelling and to comply with local guidance this would require two off street parking spaces. These are provided with a double car deck on the upper floor connected to the access on to Wells Road. As the parking area is positioned above living accommodation and may be problematical to create with a permeable surface, we would like to see drainage details that avoids allowing runoff rainwater to go on to the highway. If this is to be approved, this can be conditioned.
- 10.22 Due to the intensification of use caused by the proposals and to avoid any additional parking on the adopted highway where it would be unsuitable or cause obstruction, we would request that the applicant provides measures to manage parking on the highway, specifically on the existing turning head adjacent to the dwelling. Kirklees Highways Safety have confirmed that they would be happy to support this and have provided the agent with details of the cost. Again, if the proposals are approved this can be conditioned.
- 10.23 The topography of the site drops away sharply from the edge of Wells Road and because of this the details of any retaining structures should be provided to the Kirklees Highways Structures team for approval. This could need to be included in any subsequent permission as a condition. The agent has been made aware that the applicant would benefit from contacting the structures team as soon as possible to discuss their requirements.
- 10.24 A bin collection presentation point was shown on drawing No 2672 02, however the location may not be ideal as some of the bins may be blocked by parked vehicles and therefore may not be able to be collected and the layout may need adjusting slightly. However, this could be achieved with a condition if the proposals are approved.



- 10.25 Due to the narrow width of Wells Road and issues around parking and obstruction, we would also request that a construction access management plan is submitted prior to commencement that provides details of delivery and plant access, parking for both deliveries and contractors, location of material storage and site welfare facilities, traffic management for large deliveries in order to avoid obstruction of the highway and the safety of all users (including the use of a banksman if required) and the use of wheel washing facilities to avoid the spreading of mud or debris on to the adopted highway. This can be conditioned, if the proposal is approved.
- 10.26 On balance, given the location of the proposals, the narrow aspect of the cul-de-sac and existing parking issues, the application is acceptable on highways grounds with the appropriate conditions and is considered to comply with LP21 & LP22 of the Kirklees Local Plan.

### Representations

- 10.27 14 representations have been received. 4 in support of the proposals and 10 objections. The concerns raised include:-
- The design is not in keeping with the conservation area – *This is a material consideration and has been addressed in points 10.5 to 10.9 of this report,*
  - The new house will overshadow the adjacent dwelling to the west – *This is a material consideration and has been addressed within point 10.11 of this report,*
  - The new dwelling will overlook the neighbouring house to the west – *This is a material consideration and has been addressed within point 10.11 of this report,*
  - Loss of view for the occupants of the property on Combs Road – *This is not a material consideration. However, the impacts of the proposal in terms of the neighbour Combs Road has been addressed within point 10.13 of this report,*
  - Highway safety and parking concerns – *This is a material consideration and has been addressed in points 10.16 to 10.26 of this report,*
  - The new house would not be on the same building line as the other properties on Wells Road– *This is a material consideration and has been addressed in points 10.5 to 10.9 of this report,*
  - Ground conditions and stability - *Paragraph 179 of the NPPF states that the responsibility for securing a safe development rests with the developer/ landowner. Furthermore, the land stability issues can be considered in detail in the Building Control process, which is independent from the planning process,*
  - Drainage – *this has been addressed in point 10.27 of this report,*
  - Contaminated land – *this has been addressed in point 10.28 of this report,*
  - The plot is too small for a dwelling – *This is a material consideration and has been addressed in points 10.5, 10.6 and 10.9 of this report.*

### Other matters

- 10.28 *Drainage:* The application form indicates that all surface water runoff would be diverted to the existing main sewer. This is not consistent with the hierarchy of drainage solutions set out in policy LP28 of the KLP. To ensure that proposal complies with the drainage policy, a condition could be imposed

to require the applicant to submit a scheme detailing surface water and land drainage be submitted to and approved by the Local Planning Authority in writing before development commences.

10.29 *Contaminated Land*: The property is close to a potential source of contaminated land. The Environmental Health Officer is supportive of the proposal subject to conditions regarding the provision of the appropriate reports and remediation prior to the development starting. This is considered to comply with LP53 of the KLP.

10.30 *Biodiversity*: The application site is located within a bat alert layer. However, the site and its surrounding area are urban in character with no evidence of bat roosts or bat roost potential. Were the application to be permitted, a footnote would be inserted to provide the applicant with advice should bats or evidence of bats be found during construction. Furthermore, a condition would be added regarding the provision of a bat box to ensure a biodiversity net gain. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

10.31 *Electric charging point*: To promote the use of electric and low emission vehicles and in accordance with policy LP24 of the KLP, the applicant would be required to provide one electric charging point within the application site. Were this application be permitted, a condition would be inserted to the decision notice to require an electric charging point be provide within the site before the development is first occupied

## **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. Timescales
2. Accordance with the plans
3. External Materials
4. Removal of permitted development rights for Classes a – e
5. Parking area to be surfaced
6. Management plans for parking and appropriate safety audit
7. Details of the retaining walls/structures adjacent to highway
8. Details of bin storage
9. Provision of integral bat boxes
10. Electric vehicle parking points
11. Provision of a phase 1 contaminated land report
12. Provision of a phase 2 contaminated land report

13. Provision of a remediation strategy (in relation to contaminated land)
14. Validation report(in relation to contaminated land)

### **Background Papers:**

Application website link:

[Planning application details | Kirklees Council](#)

Certificate of Ownership –Certificate A signed: 19/01/2021

### **History files**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2004%2f90732>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2004%2f93212>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008%2f90818>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008%2f91750>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91764>