
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 04-Aug-2022

Subject: Planning Application 2021/92216 Erection of detached dwelling Land Adj, 125, High Street, Thornhill Edge, Dewsbury, WF12 0PR

APPLICANT

R A Russell

DATE VALID

04-Jun-2021

TARGET DATE

30-Jul-2021

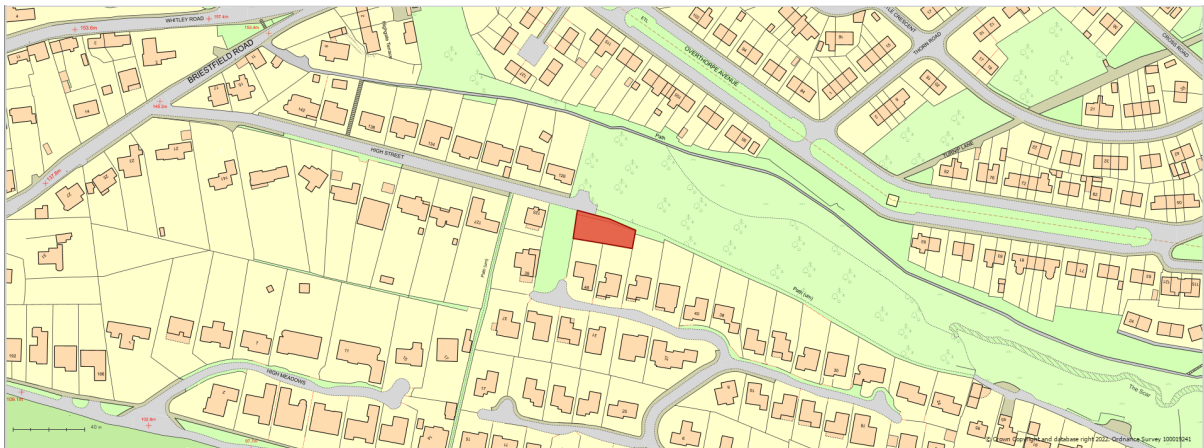
EXTENSION EXPIRY DATE

14-Jan-2022

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury South

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The proposed plot is small and constrained in size when compared to other plots within the vicinity. The erection of a detached dwelling would introduce development that would appear cramped within the plot, out of keeping with the layout and character of the area, which is predominantly made up of detached dwellings sited within a large curtilage. As such, to permit the development would be harmful to the visual amenity of the street scene as well as the character of the surrounding area, contrary to Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide SPD and guidance contained within the National Planning Policy Framework.

2. The proposed dwelling, due to its elevated position in relation to the neighbouring properties and subsequent need for retaining structures and screening, would result in a detrimental overbearing impact to the amenity space of the neighbouring properties, 46 and 48 Daleside, whose amenity space is located within close proximity of the shared boundary with the application site. As such, to permit the development would be harmful to the residential amenity of the neighbouring properties, contrary to Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide SPD and guidance contained within the National Planning Policy Framework.

3. The elevated position of the proposed study window, and its habitable nature, would result in harmful overlooking of the amenity space to the rear of 46 and 48 Daleside, which is located close to the shared boundary at a lower level. As such, to permit the development would be harmful to the residential amenity of the neighbouring properties, contrary to Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide SPD and guidance contained within the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is brought to Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Masood Ahmed for the following reasons:

1.2 *Whilst the planning history of the site indicates two previous refusals for dwellings that were dismissed on appeal, they were both poor schemes in terms of scale and impact on neighbouring living conditions that were rightly rejected.*

The applicant has reviewed these decisions and submitted an application that overcomes the previous planning concerns.

Whilst every planning application should be considered on its own planning merits, and the planning history is a material consideration, Officers seem to be giving undue weight to this and ignoring the merits of the application. Having viewed the site, the plot is capable of accommodating as bungalow and is a larger plot size than a number of other nearby new developments given permission by the Council. The scale and design of the bungalow would not result in unacceptable overlooking of neighbouring properties.

This is effectively the last plot on the road where an appropriately designed development would be a productive use of the site rather than leaving it as an area that could invite anti-social behaviour.

I believe Officers have not taken the positive planning matters into account and believe it fairer for Committee to review it and judge it on its planning merits.

- 1.3 The Chair of the Sub-Committee confirmed that the reason for referring the application to committee were valid having regard to the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a piece of undeveloped land which is located adjacent to 125 High Street at the head of the cul-de-sac. The land is roughly rectangular in size and predominantly level in nature. The land is currently overgrown comprising shrubbery and planting. The site is located to the top of a steep embankment. The properties on High Street are detached in nature and of a substantial scale. The properties benefit from large garden areas to the rear which is considered to contribute to the character of the area. The dwellings to the rear of the site on Daleside are also of a substantial scale and are detached in nature. The dwellings within the vicinity vary in terms of their style and design and are positioned on a north-south axis.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of a detached dwelling.
- 3.2 The dwelling would be of a rectangular footprint, measuring 15m in width by 8.5m in depth. An attached garage would project an additional 6.1m beyond the western side elevation of the dwelling, set back from the principal elevation by 3.15m and projecting beyond the rear. The dwelling would be 1.5 stories in height with accommodation provided in the roof space that would be served by two small dormers to the front elevation and a dormer and roof lights to the rear.
- 3.3 The dwelling would be constructed from coursed stone for the external walls and blue slate for the roof.

3.4 A driveway would be provided to the front of the garage that would lead off the existing cul-de-sac. Garden areas would be provided to the front and side of the dwelling whilst a raised terrace would be located to the rear.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2015/91256 – Erection of detached dwelling. Refused. Appeal dismissed.

4.2 2010/92779 – Erection of detached dormer bungalow with detached double garage. Appeal dismissed against the Council's non-determination of the application.

4.3 2004/92510 – Erection of detached dwelling with integral garage. Refused.

At 125 High Street

4.4 2014/93082 – Erection of detached bungalow with parking. Granted.

4.5 2014/90036 – Erection of detached bungalow with park spaces. Granted.

4.6 2009/91964 – Outline application for erection of one detached dwelling. Refused.

4.7 2008/91583 – Outline application for erection of one detached dwelling. Refused.

4.8 2007/93019 – Outline application for erection of detached dwelling. Refused.

4.9 2006/92127 – Outline application for erection of one detached dwelling. Refused.

4.10 2005/93954 – Outline application for erection of one detached dwelling. Refused.

4.11 2004/95513 – Outline application for erection of one detached dwelling. Refused.

4.12 Pre-application advice has been given for the proposed development. Whilst the design of the dwelling under the current application varies from that submitted at the enquiry stage, the nature of the development remains the same. As part of the pre-application enquiry, concern was raised to the principle of development, and it was considered that a planning application for the development could not be supported given the constrained nature of the site.

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

- 5.1 During the course of the application, officers' raised concern to the principle of development and the impact of the proposed dwelling on the amenity of the neighbouring properties to the rear. Due to the size and nature of the site, it was considered that the proposed dwelling would be out of keeping with the character of the surrounding area.
- 5.2 These concerns were relayed to the applicant's agent who requested a meeting to discuss the proposal. A meeting was held on 16th November 2021 in which the concerns to the principle of development were noted. Given the nature of these concerns, it was considered that they could not be overcome by amendments to the scheme. Despite this, the applicant's agent advised that amended plans would be submitted, however none have been forthcoming. As such, the application is being considered in its originally submitted form.
- 5.3 Within neighbour representations, concern has been raised to the submitted site sections which omit the raised rear gardens to the properties on Daleside and as such do not show the true relationship between the proposed and existing dwellings. Additionally, it is noted that patio doors and a balcony are shown on the submitted floor plans to serve one of the bedrooms. These are however not shown on the submitted elevations. An amended site section and elevation drawings have been requested to accurately show the proposed development and existing relationship on site. The amendments to the site section would however not alleviate officers' concerns regarding the potential for overbearing and overlooking towards the neighbouring properties.

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.

Kirklees Local Plan (2019):

- 6.3 **LP 1** – Achieving sustainable development
LP 2 – Place shaping
LP 3 – Location of new development
LP 20 – Sustainable travel
LP 21 – Highway safety and access
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity and geodiversity

- LP 31 – Strategic Green Infrastructure Network
- LP 33 - Trees
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 6.4 On the 29th of June 2021, Kirklees Council adopted its supplementary planning document for guidance on house building and open space, to be used against existing supplementary planning documents (SPDs) which have previously been adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the street scene and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.
- 6.5 In this case the following SPDs are applicable:
- Biodiversity Net Gain Technical Guidance Note
 - Highways Design Guide
 - Housebuilders Design Guide

National Planning Guidance:

- 6.6 **Chapter 2** – Achieving sustainable development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable travel
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by neighbour letters which expired on 2nd August 2021. As a result of the publicity period, 5 representations have been received. The representations have been summarised as follows:

7.2 Visual Amenity

- The dwelling would be in keeping with the design on High Street
- The development of the land would be an improvement
- Last plot on the end of an adopted cul-de-sac
- Dwelling would occupy a much smaller plot than the existing development on High Street
- Rear gardens are an established characteristic of the area

7.3 Residential Amenity

- The site section drawing fails to demonstrate the true impact on the properties of Daleside. Existing garden levels and retaining walls/features are not shown. Section shown through garage rather than the dwelling
- Insufficient privacy and physical separation from neighbouring properties
- Previous application addressed overlooking by reducing land level

7.4 Other Matters

- Concern regarding loss of mature hedge due to engineering works

7.5 Non-Material Matters

- Concern regarding subsidence

7.6 Officer comments in response to the representations received will be made in section 10 of this report.

8.0 CONSULTATION RESPONSES:

Statutory

8.1 KC Highways Development Management – No objections. Have recommended a condition relating to the surfacing and drainage of the driveway.

8.2 The Coal Authority – Do not object to the proposal subject to the inclusion of conditions regarding the carrying out of intrusive site investigations.

Non-statutory

8.3 KC Environmental Health – No objections. Have recommended conditions relating to the contaminated land and the provision of an electric vehicle charging point.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Planning permission is sought for the erection of a detached dwelling.
- 10.2 When considering development proposals, there is a presumption in favour of sustainable development contained in the NPPF. Policy LP1 of the Kirklees Local Plan (KLP) is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be supported subject to other material considerations.
- 10.3 Policy LP24 of the KLP suggests that proposal should promote good design by ensuring (amongst other considerations) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Chapter 12 of the NPPF reiterates that local planning authorities should ensure the issue of 'design' and the way a development will function are fully considered during the assessment of the application.
- 10.4 Policy LP3 of the KLP requires that new development be situated in a sustainable location that provides access to a range of transport choices and access to local services.
- 10.5 As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply.
- 10.6 As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- 10.7 The site is unallocated on the KLP and is located within an existing residential area, within a reasonable distance from Edge Top Road Local Centre, where there are local shops and services. Taking this into account, the location of the site is considered a sustainable location which is suitable for new housing.
- 10.8 The application site is roughly rectangular in nature and its size is significantly smaller than the plots of the surrounding residential properties on High Street. The proposed dwelling would benefit from a garden area to the side rather than to the rear which would be out of keeping with the layout of the existing properties. Referring to the planning history at the site, it is noted that two applications for the erection of one detached dwelling have been refused previously and the subsequent appeals dismissed in 2010 and 2015 respectively. The 2015 application was refused on visual and residential amenity grounds. The appeal decision concluded that the concerns regarding residential amenity could be acceptable, but not the impact on the appearance and character of the local area.
- 10.9 It is acknowledged that since the previous applications, there have been changes to both local and national policy, including the adoption of the Kirklees Local Plan and Housebuilders Design Guide SPD as well as revisions to the NPPF. Notwithstanding this, the changes in local and national policy do not alter the concerns regarding the constrained nature of the site.
- 10.10 Further to this, it is appreciated that since the 2015 appeal decision there has been a change in the local character of the area as a detached chalet bungalow (approved in 2014) has been constructed and occupied on High Street on land which previously formed part of the curtilage for 39 Daleside. The Inspector was however aware of the approval at the time of their site visit for the previous appeal on the application site and this was addressed within their response, and had no impact on the outcome of the appeal.
- 10.11 Whilst the size of the adjacent site (125 High Street), is similar to that of the application site, the depth of the site under the current application would result in a close relationship being established between the new dwelling and neighbouring properties. This relationship would be uncharacteristic of the immediate surroundings where the properties are predominately sited in large plots with long gardens separating them from the closest properties to their rear elevation. As such, the principle of developing the site for a detached dwelling cannot be supported.
- 10.12 In summary, for the reasons set out above, the principle of development cannot be supported and is contrary to the Kirklees Local Plan and relevant Chapters of the NPPF.

Visual Amenity

- 10.13 The proposal is for the erection of a detached dwelling.
- 10.14 Principle 5 of the Housebuilders Design Guide SPD states that buildings should be aligned to form a coherent building line. Whilst there is not a coherent building line to the south of High Street, each of the dwellings are orientated to the north and are set back from the highway, with space to the front of the dwelling. Whilst the dwelling would be positioned so that its front elevation would roughly align with that of the adjacent property, 125 High Street, the location of the plot slightly further to the south would result in the dwelling having a closer relationship with High Street than has been established within the street scene. The location of the dwelling is therefore considered to be at odds with the established character of the area.
- 10.15 Furthermore, it is noted that the site is significantly smaller than the neighbouring plots, with each of the dwellings being of a substantial scale with a large area of amenity space to the rear that separates the dwelling from the property behind. Whilst 125 High Street occupies a smaller plot, the size and shape of the plot is considered sufficient to prevent harm to the established character. In the case of the application site, the dwelling would occupy the majority of the depth of the plot, with a small, decked area to the rear and garden to the front. The proposed amenity space to serve the property would be located to the side elevation. The proposed dwelling, by virtue of the layout of the development and constrained nature of the site, would introduce a development that would appear cramped within the plot. This would be in contrast to the spacious nature of the surrounding development and is considered to be harmful to the visual amenity of the street scene and wider area.
- 10.16 In terms of design, the dwelling would be 1.5 stories in height. It is noted that the design of the properties along High Street varies and the adjacent property, 125 High Street, is of a similar style to the proposed dwelling. As such, the design of the dwelling is considered to have an acceptable impact on visual amenity and would not be out of keeping with the character of the area in this particular case.
- 10.17 In summary, when considered in isolation, the scale of the dwelling is considered satisfactory for one detached dwelling with the provision of off-street parking and a modest area of amenity space.

10.18 However, whilst the design of the dwelling itself is considered to be acceptable, the layout of the site and its appearance in relation to the neighbouring properties, would be detrimental to the character of the street scene and wider area because of the cramped form of development that would result, contrary to Policy LP24 of the KLP, Principles of the Housebuilders Design Guide as well as the aims of the NPPF.

Residential Amenity

10.19 The site is located within a residential area. This section will assess the relationship between the proposed development with the neighbouring properties.

Impact on 46 & 48 Daleside

10.20 The proposed dwelling would be located to the rear of the properties on Daleside. Whilst the dwelling would be set in slightly from the shared boundary, it would be located at a significantly higher level. The location of the dwelling itself and the relationship with the neighbouring properties is considered, on balance, to prevent overbearing to a level that would be detrimental to the amenity of the occupiers of the property, including the private amenity space which is located at a higher land level. Notwithstanding this, due to the falling land levels to the rear of the site, a retaining structure and 2m high fence is proposed. Given the close proximity of this structure to the amenity space of the properties, it is considered that there would be a harmful overbearing impact. The dwelling would be located due north and as such the impact in terms of loss of light is considered acceptable.

10.21 Whilst openings to the rear of the dwelling at ground floor level are proposed, it is considered that these would be sufficiently screened by the proposed boundary treatment. The openings within the roof space, which would serve bedrooms, would be served by roof lights which would alleviate the potential for overlooking. A study would however be served by a dormer. Given the habitable nature of the room, and its elevated position, despite the higher level of the dwelling in relation to the neighbouring properties, it is considered that the opening would allow for overlooking at close proximity towards the private rear amenity space of the neighbouring properties.

10.22 A balcony is shown on the submitted floor plans to serve the master bedroom. The balcony would be served by patio doors and direct views would be towards the east. Whilst there would be some view from the balcony to the south towards the two properties, given that it would be set back from the boundary, it is considered, on balance, that the impact on the amenity of the occupiers of the properties would be acceptable.

44 Daleside and High Street Properties

- 10.23 A balcony is proposed at first floor level to serve the master bedroom. The balcony and opening would face towards the rear most element of the amenity space at 44 Daleside. It is noted that the amenity space to the rear of the property is layered, with useable amenity space at its highest point. The balcony would be set in from the boundary by 11.5m which is considered sufficient to prevent overlooking to a level that would be harmful to the amenity of the occupiers. The proposed ground floor level openings would be screened by the proposed boundary treatment.
- 10.24 The dwelling would be located approximately 20m to the east of 125 High Street. Given the single storey nature of the proposal, along with the distance retained and the placement of openings, the impact on the amenity of the neighbouring property is considered acceptable.
- 10.25 It is considered that sufficient distance would be retained to prevent the proposal from having a harmful impact on the other properties on High Street.

Impact on Future Occupiers

- 10.26 The application has been considered against the Government's Technical Guidance for space standards for a dwelling and it is considered that the dwelling would benefit from a sufficient level of indoor amenity space. The amount of natural light that would be received by each of the habitable openings have been considered and is deemed to be acceptable.
- 10.27 Principle 17 of the Housebuilders Design Guide SPD sets out how all new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The dwelling would benefit from areas of amenity space to the side and rear. Whilst the size of the plot and level of amenity space would not be comparable to the majority of the properties on High Street, it is considered that the level of amenity space would be proportionate to the scale of the dwelling. As such, the level of amenity space, in terms of the impact on residential amenity, would not be sufficient to warrant refusal of the application in this particular case.
- 10.28 Having considered the above factors, the proposal would have an adverse impact on the amenity of the occupiers of the properties to the rear of the site, contrary to Policy LP24 of the KLP (b), Design Principles of the Housebuilders Design Guide SPD as well as Paragraph 130 (f) of the NPPF.

Highway issues

- 10.29 The proposal is for the erection of a detached dwelling on land adjacent to 125 High Street. The application site is located to the end of High Street which is a steep residential cul-de-sac located off Bristfield Road. Two off-street parking spaces would be provided on a driveway with two additional space accommodated by a detached garage. The parking and access arrangements to the site have been reviewed by the Council's Highways Development Management officer and are considered to be acceptable. Should the application be recommended for approval, conditions would be imposed regarding the surfacing of the parking areas and the submission of details regarding the storage and collection of waste.
- 10.30 In summary, the proposed development is considered acceptable from a highway safety perspective, complying with Policies LP21 and LP22 of the KLP as well as Principles 12 and 19 of the Housebuilders Design Guide.

Other Matters

Ecology

- 10.31 The proposal is for the erection of a detached dwelling with parking and associated works. The application site is located within the Bat Alert Layer and as such, consideration has to be given to the impact on bats and bat roosts. The proposal does not involve any demolition and as such the impact on bats and bat roosts is considered to be acceptable. As a precautionary measure, should the application be approved, a footnote is recommended providing advice to the applicant in the event that bats are discovered.
- 10.32 Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and the Biodiversity Guidance note states that biodiversity net gain is required for all development. To create this net gain, conditions to secure a bird box and bat roosting feature into the external walls of the new dwelling are recommended should the application be approved. This mitigation would ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements. A condition would also be recommended, should the application be approved, regarding clearance of the site in order to prevent harm or disturbance to nesting birds.

Trees

- 10.33 An area of protected trees is located between the proposed dwelling and the adjacent property at 125 High Street. It is considered that sufficient distance would be retained between the trees and the proposed dwelling to prevent there from being a harmful impact to their amenity. This is in accordance with Policy LP33 of the Kirklees Local Plan.

Coal Mining Legacy

- 10.34 The Coal Authority has reviewed the proposal and have confirmed that the application site falls within the defined Development High Risk Area. Therefore, within the application site and surrounding area, there are coal mining features and hazards which need to be considered in relation to determination of this planning application.
- 10.35 The application is supported by a Coal Mining Risk Assessment prepared by JNP Ground Consulting Engineers, dated 8th July 2015. The report has been informed by an appropriate range of sources and information. Having reviewed the available coal mining and geological information, the Coal Mining Risk Assessment Report concludes that there is a potential risk to the development from past coal mining activity, specifically probable shallow coal mine workings. The report therefore recommends that intrusive site investigations be carried out in order to establish the exact situation in respect of coal mining legacy issues on the site.
- 10.36 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development. Two conditions have, therefore, been recommended which would be attached to the decision notice if the application was approved, to accord with Policy LP53 of the KLP and Chapter 15 of the NPPF.

Carbon Budget

- 10.37 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 predates 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.

10.38 The proposal comprises minor development which involves the erection of a single dwelling. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of an electric car charging point is recommended and would be imposed should the application be recommended for approval. This is in accordance with Policies LP24 and LP51 of the KLP and Chapter 9 of the NPPF.

Drainage

10.39 Policy LP28 of the KLP establishes a hierarchy of drainage solutions with Sustainable Urban Drainage Systems being the most preferable solution and Main Sewer the least preferable option. The applicant states in the application form that the surface water is to be discharged to main sewer however no supporting justification has been provided. In any case, the applicant would require the consent of Yorkshire Water to undertake this and as such this would be addressed under a separate remit.

Representations

10.40 The representations have been summarised as follows:

10.41 Visual Amenity

- The dwelling would be in keeping with the design on High Street
- The development of the land would be an improvement
- Last plot on the end of an adopted cul-de-sac
- Dwelling would occupy a much smaller plot than the existing development on High Street
- Rear gardens are an established characteristic of the area

Officer response – The comments regarding visual amenity have been addressed within the visual amenity section of this report.

10.42 Residential Amenity

- The site section drawing fails to demonstrate the true impact on the properties of Daleside. Existing garden levels and retaining walls/features are not shown. Section shown through garage rather than the dwelling
- Insufficient privacy and physical separation from neighbouring properties
- Previous application addressed overlooking by reducing land level

Officer response – The comments regarding the impact of the development on residential amenity have been addressed within the residential amenity section of this report. Revised section drawings to include the existing garden levels and retaining wall/features have been requested from the applicant’s agent. The site plan illustrates the fall in the existing land levels towards the rear elevation of the properties on Daleside. It is noted that engineering operations have been carried out within the rear gardens to elevate the land level changes and create usable amenity space which is not outlined on the submitted plans. Notwithstanding this, any changes to the section drawing would not alleviate officers’ concerns regarding overlooking and overbearing to the amenity space of the properties to the rear of the application site on Daleside.

10.43 The comments received from Ward Councillor Ahmed have been carefully considered. Matters relating to the principle of development as well as the impact on visual and residential amenity are set out in detail within the relevant sections of this report. The Council’s Designing Out Crime Architectural Liaison Officer has been consulted informally during the course of the application and has noted that there are no reported issues of anti-social behaviour in this location.

10.44 Other Matters

- Concern regarding loss of mature hedge due to engineering works

Officer response – This is not a material consideration that can be taken into account as part of this planning application.

10.45 Non-Material Matters

- Concern regarding subsidence

Officer response – This is not a material consideration that can be taken into account as part of this planning application. Notwithstanding this, Paragraph 184 of the NPPF places the onus on the developer/land owner to ensure the land is safe and stable to accommodate the proposed development.

11.0 CONCLUSION

11.1 The application for the erection of a detached dwelling on land adjacent to 125 High Street, has been assessed against relevant policies in the development plan, as listed in the policy section of this report. It is considered that the development proposals do not accord with the development plan and the adverse impact of granting planning permission on the character of the surrounding area and residential amenity of the neighbouring properties would significantly and demonstrably outweigh any benefits of the development, when assessed against policies in the NPPF taken as a whole.

11.2 The 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 are set out at the beginning of this report.

Background Papers:

Application weblink:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92216>

Certificate of Ownership – Certificate A signed.

Weblink to previous applications referred to in section 4.0 of this report:

2015/91256 – Erection of detached dwelling. Refused. Appeal dismissed

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f91256+>

2010/92779 – Erection of detached dormer bungalow with detached double garage.

Appeal dismissed against the Council's non-determination of the application

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2010%2f92779+>

2004/92510 – Erection of detached dwelling with integral garage. Refused –

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2004%2f92510+>

[Link to application details](#)

Approval at 125 High Street –

[Link to application details](#)

2014/93082 – Erection of detached bungalow with parking spaces. Conditional Full Permission - <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f93082+>