

---

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

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 20-Jul-2023**

**Subject: Planning Application 2022/94118 External and internal alterations to convert one dwelling into two dwellings and formation of new vehicular access to No. 4 from Lumb Lane. 2-4, Lumb Lane, Almondbury, Huddersfield, HD4 6SS**

**APPLICANT**

A Johnson

**DATE VALID**

20-Jan-2023

**TARGET DATE**

17-Mar-2023

**EXTENSION EXPIRY DATE**

03-May-2023

---

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: Almondbury**

**Ward Councillors consulted: No**

**Public or private: Public**

---

**RECOMMENDATION: Refuse**

**1. The proposed off-street parking space to serve no. 4 Lumb Lane would detrimentally affect highway safety. The siting of the parking space is close to the junction of Lumb Lane with Sharp Lane which would result in unacceptable turning incidents between vehicles reversing to/from the access and turning traffic at the junction. In addition, the narrow width of the footway adjacent to the access unacceptably restricts the available visibility, particularly in the critical direction looking west of the exit of the drive. The proposal would therefore be contrary to Policies LP21 and LP22 (f) of the Kirklees Local Plan and paragraph 111 of the National Planning Policy Framework.**

**1.0 INTRODUCTION:**

1.1 This is a full planning application for alterations to convert one dwelling into two dwellings and formation of new vehicular access to No. 4 from Lumb Lane.

This application is brought to the Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation at the request of Councillor Bernard McGuin for the following reason:

*"As we know, the applicants seek to separate 2-4 Lumb Lane. After talking to planning, they were told that they needed to provide one parking space as it was seen as a "new development". The applicants asked experts to draw up such a plan to follow Kirklees planning request.*

*I was asked to look at the application by a neighbour opposing the destruction of a garden in a quiet area of Almondbury. They and I have no objection to the splitting of 2-4 Lumb Lane.*

*I have asked for the condition about the provision of a parking space to be withdrawn. My purpose in referring this to a committee was to look at the principle of car space provision in this case. If it was accepted, by the committee, it was deemed necessary, then I would not object to the application.*

*I have talked to the applicants to assure them I am not opposed to what they want to do. I will not be able to attend July's meeting as I am on leave. I sincerely apologise for my absence. I do hope, though, that this item can be on July's agenda as this issue seems to have dragged on too long for them.*

*I think it would help to have a site visit by committee members in this case.*

*I have copied in the applicants: I want to be clear and transparent as I will not be a decision maker in this case."*

- 1.2 The Chair of the Sub-Committee has confirmed that Cllr McGuin'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 The application site relates to an extended two storey, end-terraced residential property on Lumb Lane, Almondbury. It was originally 2no. terraced dwellinghouses now combined to form one larger dwellinghouse. Within this report, the proposed mid-terraced property would become no.4 and the end terrace property no. 2, following the numbering sequence on existing properties on Lumb Lane.
- 2.2 The property is a traditional stone-build with a half-timbered gable front feature and red tiled roof. It is prominently elevated above the highway at the junction of Lumb Lane with Sharp Lane. There is a soft landscaped front garden supported by a stone retaining wall approximately 1m height from pavement ground level. The front amenity space and boundary treatment is consistent with neighbouring properties adding to a pleasant verdant setting. There is a visual interruption to this continuity with a driveway at the end of the terrace at No. 8.
- 2.3 The dwellinghouse is situated at the T junction between Lumb Lane and Sharp Lane of which both are unclassified roads; of note, approaching Sharp Lane from Lumb Lane, drivers are required to give way. Lumb Lane has a narrow pavement to its north side only. The property has existing vehicular access to the rear with a driveway from Sharp Lane. There appears to be a hardstanding to the rear of what would become No. 4 and space on hardstanding for vehicles to park to the rear of No. 2.
- 2.4 The immediate area to the rear of No. 4 has an area of hardstanding appearing as a patio informally used as a car parking space, as shown on aerial surveys, and a residential garden patio area. The immediate area to the rear of No. 2 abuts the driveway with no soft landscape garden. Each proposed property has a discrete single storey rear extension, both with a lean to roof and faced with stone; No. 2 uses theirs as a garaging space and No. 4's rear extension serves as a kitchen/utility space.
- 2.5 The site has associated non-residential land to the rear (north) consisting of a field with detached single storey structures and surrounding boundary vegetation. This is edged 'blue' on the application location plan indicating the land is within the control of the applicant and does not form part of the domestic garden for the property. Adjacent to the driveway, is a substantial mature oak with a Tree Preservation Order (ref: 17/94/t1).

- 2.6 The site is situated outside of Almondbury's main built-up area and Almondbury Local Centre to the south. The site setting is characterised by sparse clusters and ribbons of residential development. The ribbon of development in which the site is situated is approximately 730m to the nearest public transport bus service and approximately 1000m to Almondbury Local Centre. The road network between the site and Almondbury appears to have one narrow, non-continuous pedestrian pavement with pedestrians required to switch between sides of the road at junctions.
- 2.7 The application site is not located within a Conservation Area nor located in close proximity to any listed buildings. The site is within a development low risk coal mining area. It is unallocated for development within the Kirklees Local Plan. It is within a Bat Alert layer and within the designated Green Belt.

### **3.0 PROPOSAL:**

- 3.1 It is proposed to subdivide the property into 2no. 3-bedroomed dwellings. The internal configuration at ground floor is to remain same for both properties with a new wall to divide them. To the first floor, internal configurations would create an additional bedroom to No. 4 and a larger en-suite to an extended bedroom to No. 2.
- 3.2 Externally, no alterations are to be made to the host property, with an existing front entrance to No. 4, accessed directly from Lumb Lane, available to serve as the main entrance to this dwelling.
- 3.3 To the front of No. 4, an off-street parking space to serve the dwelling would be installed, seeking to retain as much of the landscaped area as possible. This would require engineering works to regrade land and to alter the retaining structures within the site to accommodate the space. A shared closed boarded timber boundary fence would be erected between the front gardens of the units at a height of 1.2m from ground level. The front amenity space for No. 2 would be unaltered.
- 3.4 To the rear of No. 4, the area of hardstanding and patio would be enclosed by a dividing section of close boarded timber fence 1.8m height from ground joining to existing boundary fencing. The rear driveway of No. 2 would be unaltered whilst retaining access to the land beyond the domestic garden.
- 3.5 The application does not include a change of use for the land, included in the red line boundary, for the purposes of establishing residential use or curtilage other than the residential dwellinghouse to be sub-divided into two residential units.

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

#### **4.1 At the application site:**

93/03449 – Location: Rear of 2/4 Lumb Lane, Almondbury, Huddersfield.  
Extension of garden area, erection of loose box, tack room and feed store.  
Approved.

Appeal Reference: T/APP/Z4718/A/94/235003/P5. Appeal Dismissed:  
25/08/1994.

**Officer Note:** The Appeal was brought regarding condition 2:  
*“Notwithstanding the submitted plans this approval shall not relate to the proposed siting of the stable which shall be re-sited to the satisfaction of the Local Planning Authority.”*

The proposed stable was initially sited close to the dwellinghouse which would harm the living conditions of neighbouring residents.

*No. 2 Lumb Lane*

81/2121 – Extension to form lounge, toilet and garage with bedroom over. Partly Approved.

82/5105 – Extensions to form garage, shower room and lounge. Approved.

*No. 4 Lumb Lane*

82/069 – Extension to form kitchen and hobby room. Approved.

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

- 5.1 The original proposal did not supply a parking layout, boundary treatment or existing and proposed elevations. Those were requested by the Officer. Following this, the agent was advised that two off street parking spaces would normally be required to serve each property, compliant with advice given in Kirklees Council’s Highways Design Guide SPD.
- 5.2 It was confirmed by the agent that the elevations would not change and thus no elevation plans required. A site plan was supplied with boundary treatments and details of bin storage and collection arrangements. An initial parking layout was supplied with two parking spaces requiring the removal of a tree to the front amenity space of No. 4 and two to the rear of No. 2.
- 5.3 It was requested to reduce the impact of the parking to the front to retain as much soft landscaping as possible with tandem parking for two vehicles. Visibility splays and cross sections of the proposed driveway were requested to assess highway safety and impact to the retaining wall adjacent to the highway. It was advised that parking to the rear may avoid impact on visual amenity to the Green Belt and highway safety overcoming initial concerns.
- 5.4 Subsequent alterations to the parking layout to the front allowed two off street parking spaces however this would substantially reduce the soft landscaping to the front amenity space. It was proposed to minimise the visual amenity impact of the hard surface within the Green Belt to have one parking space to meet the parking needs of No. 4 Lumb Lane following objections received and this was supplied in the updated plan received.
- 5.5 Following receipt of the final plans, the scheme was reviewed by Highways who could not support the creation of a parking space within the front garden area for highway safety reasons, as set out in the reason for refusal.
- 5.6 A planning statement was received from the agent in response to the requests for all parking to take place to the rear of the properties, using the existing access from Sharp Lane. This provides the following information as to why this may not be feasible:

- The rear amenity space of No. 4 would be 6.7 by 6.6m which would be inadequate to turn a car around and would be of greater visual impact to the area than the proposed front car parking space.
- A large tarmacked area adjacent to the agricultural land would detract from the visual amenity of the area.
- The only alternative space for off street parking would affect the roots and health of the tree with the TPO.
- Access is needed to the agricultural land to the rear for tractors.
- Security and safe passage for young children and dogs at the rear cannot be ensured if the driveway is shared.
- Sharing the driveway with No. 2 would shift vehicles parked by No. 4 onto the highway.

These issues are considered in the 'Highways' section of the assessment.

## **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 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highway safety and access
- LP22 - Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP43 – Waste management hierarchy
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP60 – The re-use and conversion of buildings

### Supplementary Planning Guidance / Documents:

- 6.3 Relevant guidance and documents are:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

## National Planning Guidance:

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 - Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Green Belt
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

6.5 The following national guidance and documents are also relevant:

- National Design Guide (2019) - The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice.

6.6 Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Conservation of Habitats and Species Regulations 2017

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised via letters delivered to addresses adjacent to the application site in accordance with Table 1 of the Kirklees Development Management Charter.

7.2 Following amended plans and change of description, the proposal was readvertised. The period of publicity expired on 26/04/2023. As a result of the above publicity, three representations have been received.

7.3 A summary of the Objections are as follows:

- **Highway safety.**

No levels are supplied for the 1.2m-1.5m height retaining wall supporting the land adjacent to the highway. Insufficient space to turn which would allow vehicles to enter the highway in forward gear. Visibility would be restricted with danger to pedestrians and vehicles close to the junction.

**Officer Note:** An assessment of the impact of development on highway safety is considered in the assessment below and forms the reason for refusal.

- **Design and harm to Green Belt**

Site is on elevated ground in Green Belt and timber fencing boundaries are not a typical feature of the landscape with a detrimental impact on openness and rural setting. Retaining wall should be faced in natural stone. The driveway would detract from the attractive garden setting to the front and appear to be unsightly.

**Officer Note:** The proposed site retains full Permitted Development Rights in which the erection of fencing or walls could be carried out without planning permission subject to restrictions on height. The proposed would have boundary treatments compliant with these restrictions or a condition could be imposed requiring alternative arrangements. The retaining wall materials and driveway are discussed in the assessment

- **Public Right of Way**

The fence to the rear would be highly visible from PROW HUD/152/10.

**Officer Note:** The PROW is approximately 133m northwest of the site and is not adjacent to the land. While the proposed would be visible, this could still be carried out without planning permission being required under Permitted Development Rights.

- **Castle Hill setting**

Mention was made of the site being in an associated setting in relation to Castle Hill.

**Officer Note:** The site is in a 'Dominant Area' in the Castle Hill Settings Study. It is approximately over 1270m distance to Castle Hill and is concluded the scale and detail of the development would have no material impact on the special setting of Castle Hill.

- **Biodiversity**

The loss of the soft landscaping and tree to the front garden of No. 4 would have a detrimental impact on loss of habitat.

**Officer Note:** Discussed in section 10.55-10.60 of the assessment.

- **Drainage**

Driveway surfacing would increase surface water run off

**Officer Note:** This could be conditioned to be appropriately drained with a permeable surface to mitigate an increase in surface water-run off.

- **Curtilage**

The rear garden of No. 4 extends beyond the original domestic curtilage into Green Belt land.

**Officer Note:** The extent of the rear garden is within the red line application site boundary of the plot and is visible on aerial survey records since 2000. On the balance of probability, the land appears to be residential garden in existing use.

7.4 Ward Councillor Bernard McGuin has commented on the scheme and requested that the application be determined by the Huddersfield Planning Sub-Committee for the reasons outlined at Paragraph 1.1 of this report.



## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

**KC Highways Development Management** – Objection to the proposed parking arrangements for no. 4 on highway safety. Further details within the Highway issues section of the assessment

### 8.2 Non-statutory:

None

## 9.0 MAIN ISSUES

- Principle of development
- Green Belt
- Sustainability and Climate Change
- Urban design issues
- Residential amenity
- Highway issues
- Drainage 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 (KLP). 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 of this report.
- 10.2 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.3 The site is not allocated for development on the Kirklees Local Plan Policies map. Policy LP2 of the Kirklees Local Plan states that:

*“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*

- 10.4 This site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.
- 10.5 The application proposes to subdivide an existing dwelling. The impacts of this intensified use will be assessed under the Local Plan policies, the Housebuilders Design Guide SPD, and the NPPF.
- 10.6 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.7 The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authorities 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. The supply of one additional housing unit would make a minor contribution to the housing delivery targets of the Local Plan and would meet the aims of Chapter 5 of the NPPF.
- 10.8 Policy LP7 of the KLP requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. The application proposes 1 additional separate dwelling, which would increase the density of development to help meet this requirement. Policy LP11 of the KLP sets out a requirement for suitable housing mix and affordable homes, the application relates to a single additional dwellinghouse and as such is not required to supply affordable housing in this instance.
- 10.9 This quantum of development is acceptable in principle. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 of the NPPF concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Green Belt:

- 10.10 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 149 and 150.
- 10.11 As outlined in Paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 10.12 Paragraph 150(b) of the NPPF outlines that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 10.13 Further to this, Policy LP60 of the Kirklees Local Plan states that the re-use and conversion of buildings in the Green Belt will normally be acceptable provided that:
- a. the building to be re-used or converted is of a permanent and substantial construction;*
  - b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*
  - c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.*
- 10.14 In essence, the proposal seeks to continue residential use of a property of a permanent and substantial construction to be subdivided into two dwellinghouses, which is acceptable in principle.
- 10.15 The proposal seeks to erect close boarded timber fencing to subdivide the two properties for which there are permitted development rights to undertake such means of enclosure. Such fencing would harmonise with the existing screen fencing in evidence to the rear of the site. If deemed necessary, the fencing within the front garden area could be re-designed by condition to provide a more lightweight boundary between properties, to comply with Policy LP60b and c.
- 10.16 Turning to the design and materials to be employed in the formation of the parking space to the front amenity space, those are outlined to be stone to the retaining wall and tarmac to the driveway surface. This would retain much of the existing soft landscape. Those materials could be conditioned to ensure high quality materials appropriate to the Green Belt setting. There are other existing driveways in evidence in the locality. Whilst the regrading works/engineering operations would be prominent within the terraced row of and interrupt the existing front amenity space, they are limited in scale and retain the majority of the garden area. Seen in the context of the immediate locality, this is considered not to appear as an urbanising and incongruous characteristic in the Green Belt or adversely affect the openness of the Green Belt. This would be compliant with Policy LP60b of the Local Plan.
- 10.17 Given the above, Officers consider that the development meets LP60 of the Local Plan and paragraph 150 of the NPPF and would represent appropriate development in the Green Belt.

## Sustainability and climate change

- 10.18 An assessment of the proposal's impact on climate change is limited given that it does not propose any significant alterations to the existing single dwellinghouse. It is appreciated that the re-use of the building to supply two dwellinghouses would be an efficient use of resources without significant additional CO2 emissions.
- 10.19 In terms of access to public transport, the site is limited with pedestrian routes to the closest frequent public transport services at Almondbury approximately 730m walking distance and approximately 1000m to Almondbury Local Centre. The distance and limited nature of footways may hamper pedestrian safety and willingness to travel without a car.
- 10.20 This potential impact on carbon emissions may be considered to be sufficiently balanced by the sub-division of the dwellinghouse and re-use of its existing carbon embodied material envelope for intensified occupancy, in order to meet the aims of net zero, Principle 18 of the Housebuilders SPD, LP24d) of the Kirklees Local Plan and Chapter 14 of the NPPF.

## Urban Design issues

- 10.21 The NPPF at paragraph 126 provides a principal consideration concerning design which states:
- “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...”*
- 10.22 Paragraph 130 of the NPPF advises that planning decisions *“should ensure that developments are visually attractive as a result of good architecture, layout...[and] sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.”*
- 10.23 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 10.24 LP24 states that proposals should promote good design by ensuring:
- *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*
- 10.25 Paragraph 129 of the NPPF states that design guides, such as the Council's Housebuilders Design Guide SPD, carries weight in decision-making and is a material planning consideration.
- 10.26 Principle 2 of the Housebuilders Design Guide SPD sets out that new residential development proposals will be expected to respect and enhance the local character of the area.

- 10.27 In terms of visual amenity to the host, the proposed development would reinstate the original pattern of development. There would be no external changes to the host dwellinghouse itself. This would have the positive effect of re-introducing the original net development density within the locality and appear in keeping with the local character of the area. This would comply with the aforementioned Policies.
- 10.28 Turning to the formation of a new vehicular access/parking space, Principle 12 of the Housebuilders Design Guide SPD sets out that new dwellinghouses should have car parking provision that avoids dominating street frontages by having parking arrangements in the front of properties for visual amenity. Measures to minimise impact on the streetscene by careful screening and soft landscaping may be acceptable.
- 10.29 In the assessment of urban design alone, the provision of 1no. parking space to serve no.4 with much soft landscaping retained could strike a finely balanced and pragmatic approach between limiting impact on visual amenity and the parking demands created through the formation of a separate dwelling. The principle and details of development are considered acceptable, for similar reasons as set out in the assessment on Green Belt matters. This matter is further assessed in the Highways issue section.
- 10.30 Subject to impact on highway safety being further assessed, the proposed development with retained soft landscaping could be therefore considered to comply with Chapter 12 of the NPPF, LP24 and LP60 of the Kirklees Local Plan and the Principles within the Housebuilders Design Guide SPD.

#### Residential Amenity

- 10.31 Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings”* and *“...minimise impact on residential amenity of future and neighbouring occupiers.”*
- 10.32 Further to this, Paragraph 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.33 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*
- 10.34 The proposal does not seek to introduce any additional openings or bulk and massing over and above the existing dwellinghouse so privacy, outlook and overlooking would be unaffected. In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development anticipated, this proposal would not unacceptably impact on the amenities of nearby residents.

- 10.35 In terms of the amenities of the proposed occupiers, floorspace of both units would exceed that set out in the Nationally Described Space Standards and comply with Principle 16 of the SPD. The dwellinghouses would still achieve adequate daylighting to the bedrooms and provide reasonable bedroom sizes in order to meet basic lifestyle needs and provide high standards of amenity for future occupiers.
- 10.36 With regard to Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“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 provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*
- 10.37 Considering this, both dwellings would have a private rear garden areas/other amenity space of reasonable size so as to serve a functional and proportionate space to the size of the new dwellings.
- 10.38 The proposed development would provide an adequate standard of internal living standard with access to daylight and internal space and useable, proportionate and private outdoor amenity space to each residence. The proposal is therefore compliant with Policy LP24(b) of the Kirklees Local Plan, Principles 16-17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

#### Highway issues

- 10.39 Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council’s adopted Highway Design Guide and Principle 10 and 12 of the Housebuilders Design Guide SPD seek to ensure sustainable transport modes are supported and acceptable levels of off-street parking are accommodated. The policy background advises that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.40 NPPF Chapter 9 requires the Council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use. Paragraph 111 of the NPPF provides guidance on the matter stating that:  
*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 10.41 This application seeks approval for the subdivision of a current dwellinghouse into two with the formation of vehicular access/parking for No. 4. Access for No. 2 would remain as existing with the use of the driveway. Access for No. 4 would be facilitated by the formation of a single off street parking space within the front amenity space.

- 10.42 In principle, Highways raise no objections to the proposal subject to safe and adequate parking provision provided to each dwelling to serve the parking demands of those three bed properties in accordance with KC Highways Design Guide SPD.
- 10.43 The parking arrangements for no. 2 would replicate the existing situation, and there are no objections to this element of the proposal. The parking arrangements for No. 4 do, however, raise significant issues of highway safety.
- 10.44 The latest proposal was reviewed by the Highway Development Management Group Engineer. The assessment is that there are insurmountable issues regarding the provision of a parking space within the front garden area. This is principally centred on the proximity of the access to the Sharp Lane/Lumb Lane junction and the associated bend in the road. This would result in unacceptable turning incidents between vehicles reversing to/from the access and turning traffic at the junction. In addition, the footway width adjacent to the access is also narrow, which restricts the availability of clear visibility between pedestrians and vehicles using this access. The visibility splays from the access provided on plan do not demonstrate adequate visibility and are further affected by the retaining structures that would be required to form the parking space.
- 10.45 As highlighted in section 5 of the report, Officer's had requested that all parking to serve both dwellings be provided via existing access onto and from Sharp Lane to limit additional impact on Highway Safety. Whilst the existing driveway access from Sharp Lane has limited visibility due to the mature tree on Sharp Lane and the vegetation adjacent to Lumb Lane junction, it would in principle allow vehicles to turn within the application site and enter and leave the site in a forward gear.
- 10.46 A planning statement submitted by the Agent, and summarised in paragraph 5.6 of the report, set out the reasoning as to why this would not be feasible/acceptable. The applicant and agent are unable/willing to provide alternative parking to the rear. The salient points of the planning statement have been carefully assessed by officers but do not overcome the harm that would ensue from the formation of a parking space within the front garden area. The subdivision of the land to the rear of the dwellings could be altered to provide parking spaces, with patio gardens at the rear and greater use of the front/side garden for amenity space. This space could be shared, rather than rigidly separated and could still allow access to the agricultural land beyond.
- 10.47 Siting the parking space to the rear within an existing area of hardstanding would reduce the impact on the pleasant and characterful setting of the Green Belt by avoiding further encroachment of hard standing, rather than detract from the visual amenity of the area as set out in the planning statement. Furthermore, the existing driveway is an expansive, tarmacked area adjacent to the agricultural land so there would be neutral visual impact on amenity from an intensified use. If used for parking, the hard-surfaced area, adjacent to the rear of No. 4, would not appear to increase the level of hard standing within the Green Belt. This area appears to have been previously informally used as a parking area. This would have a neutral visual impact on the amenity of the Green Belt. The existing driveway with the potential use of the hardstanding could supply two off street parking spaces each to each dwelling unit, however an off-street parking space to the rear of No. 2 to partially serve the additional household parking needs of No. 4 within the site could be acceptable.

- 10.48 The Agent states that parking close to the protected tree may increase pressure on the roots and affect the health of the tree. This is a material consideration, but there are specific forms of cellular confinement systems of hard surfacing that provides protection for the roots of mature trees from pedestrian and vehicular traffic. These distribute the weight of the traffic which in turn prevents subsoil compaction around the roots and allow continued water permeation to ensure the protected tree stays healthy. No details have been provided to evidence that such forms of surfacing have been considered or discounted.
- 10.49 The planning statement outlines that continued access to the agricultural land beyond the application site is required via the residential driveway and safe passage for users is proposed to be achieved by limiting use to the occupants of No. 2 for residential and agricultural use. The safety of young children and animals is also cited. Whilst this is noted, at present both No.2 and No.4 and the access are in the control of the applicant and alternative arrangements to accommodate all three could be made within this application. On the balance of probabilities, the driveway may have been historically shared between No. 2 and No. 4 Lumb Lane as there is no other discrete parking space for No. 4 and it is considered that acceptable alternative arrangements could be made within this area of the application site.
- 10.50 In relation to shared parking within the driveway causing occupants to shift parking onto the highway, Kirklees Council Highways Design Guide SPD aims to provide adequate parking provision of 2 off street parking spaces for a 3-bedroom property. There would be two dwellinghouses created within the proposal. As such, subject to this off-street provision being adequately met for both dwellinghouses to achieve adequate highway safety, there would unlikely be a material shift to parking on the highway.
- 10.51 Taking all the points in the preceding paragraphs, it is concluded that the formation of a parking space to serve No. 4 within the front garden area cannot be supported and the points made in the planning statement do not outweigh the harm to highway safety that would accrue from the creation of the parking space. This would leave No. 4 with no off-street parking close to a junction which cannot be supported either. The development would be contrary to Policy LP21 and LP22f of the Kirklees Local Plan and Chapter 9 of the NPPF.
- 10.52 If the application before Members had been considered acceptable, it is noted that the distance of the non-continuous pedestrian pavement may deter occupants from walking to Almondbury Local Centre and to public transport. To overcome this, the provision of cycle storage facilities and an electric vehicle charging point, to support low carbon transport, could be secured via condition in accordance with Policies LP20, LP51 and LP24 of the Local Plan.
- 10.53 Bin storage and access to bin presentation points have been indicated for both dwellings. The arrangements for no. 2 would be as existing. For no. 4 the indicative details are that bins would be stored directly to the rear elevation of the dwelling. They would be taken to the roadside for collection via the rear of nos. 6 and 8 and then through a passageway between the dwellings to the roadside. In principle, these arrangements would be acceptable and in accordance with Policy LP24d of the KLP.



### Drainage issues

- 10.54 The site is within a low probability area for flood risk and adequate drainage of the new off-street parking space could be secured by condition to comply with LP28 of the KLP.

### Biodiversity

- 10.55 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.56 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 10.57 Principle 9 of the SPD states that proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric.
- 10.58 The application site lies within the Bat Alert layer on the Council's GIS system. Given there would be no alterations to the exterior of the property, it is considered unnecessary for a full assessment of the proposal's impact to be undertaken in this case, given the low likelihood for roosting bats to be disturbed by the intensified occupancy of the dwellinghouse by two households.
- 10.59 Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.
- 10.60 Given the minor modification of the existing dwellinghouse, and limited intervention into the managed front garden area to create the parking space, in this instance, a condition to have a biodiversity net gain would not be proportionate to the scale of development proposed.

### *Coal Legacy*

- 10.61 The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. As such it is considered that the proposal is acceptable with regard to ground stability from coal mining legacy in accordance with paragraphs 174 and 183 of the National Planning Policy Framework and Policy LP53 of the Local Plan.

## *Land Stability*

- 10.62 The proposed formation of the parking space to the front garden would require regrading of land adjacent a public highway. At present, this land is retained by a stone-faced wall, which continues beyond the site boundaries. If permission was granted, to ensure a safe development, it would be necessary to impose pre-commencement conditions to secure details of the regrading works and subsequent new retaining structures. This would be in accordance with Policy LP53 of the Local Plan and Policy within Chapter 15 of the NPPF.

## Representations

- 10.62 Three representations have been received on this proposal and have been considered within the report.

## **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 To conclude, weight has been afforded to the supply of one additional housing unit and the minor contribution to the housing delivery targets of the Local Plan. The principle of development is supported.
- 11.3 The off-street parking space within the front amenity space of the proposed No. 4 Lane would fail to provide acceptable standards of highway safety.
- 11.4 The proposal would therefore fail to provide satisfactory highway safety contrary to Policies LP21 and LP22f of the Kirklees Local Plan and paragraph 111 of the NPPF. The proposal is therefore recommended for refusal as it would not constitute sustainable development.

## **Background Papers:**

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F94118)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F94118>

Certificate of Ownership – Notice served on/ or Certificate A signed: