
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Sep-2023

Subject: Planning Application 2022/94118 External and internal alterations to convert one dwelling into two dwellings (as the original buildings) with parking to the rear. 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:

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

1.0 INTRODUCTION:

- 1.1 This is a full planning application for alterations to convert one dwelling into two dwellings and formation of parking space to the rear of the site.

This application was originally 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I have asked for the condition about the provision of a parking space to be withdrawn.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 confirmed that Cllr McGuin's reasons for the referral to the Committee were valid having regard to the Councillor's Protocol for Planning Committees.

- 1.3 The application was presented to the planning committee at the meeting of 20th July 2023 with a recommendation that the application be refused. At the time of the meeting the proposal included the formation of a parking space within the front garden of no. 4.
- 1.4 Members resolved to defer the application, requesting officers negotiate with the applicants to relocate the proposed parking space to the rear of the site. Amended plans have been received with revised parking arrangements, the following report is based on these amended plans.

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, 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. This would serve to have bin storage areas and access to Lumb Lane through No. 6 and No. 8 Lumb Lane's rear gardens.
- 3.5 To the side of No. 2, the existing driveway access from Sharp Lane, the existing gate is indicated to be removed on the latest plans (to allow space for vehicles to turn). Land to the south of the driveway space adjacent to Sharp Lane would provide one off street parking space. This would be for the use of No. 4, within an existing area of hardstanding where a retaining wall would be re-sited to accommodate the space. The rest of the rear driveway of No. 2 at the rear would be unaltered, providing 2no. parking spaces for no. 2 Lumb Lane. These would be in an existing garage and area of hardstanding. Access to the land beyond the domestic garden would be retained. A vehicle tracking plan has been provided to demonstrate how a car parked in the new parking space for no. 4 could enter and leave the site in a forward gear. The bin storage areas would be to the rear of the properties and have a bin presentation point on Sharp Lane/Lumb Lane.
- 3.6 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. This required the removal of a tree to the front amenity space of No. 4 and two spaces to the rear of No. 2.

5.3 Proposed parking for No. 4 was originally proposed to the front. Following the Sub-Committee resolution to defer the application, the proposed plans have been amended and parking for no. 4 is now indicated off Sharp Lane.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

6.2 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
- LP33 - Trees
- 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 20th 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, based on the original proposal with the parking space at the front of the site, the proposal was re-advertised. That period of publicity expired on 26/04/2023. As a result of the above publicity, three representations were received.

7.3 A summary of the initial Objections to the original proposal with updated responses 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: The proposed parking space had been re-sited to avoid those concerns raised over highway safety.

- **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 alteration of the retaining wall to the front of the site is no longer proposed and the visual amenity of the new proposal will be assessed in the following report.

- **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: The proposal has been altered so as to avoid those impacts. To be assessed within the Biodiversity section. The reduction in soft landscape to the rear is minimal.

- **Drainage**

Driveway surfacing would increase surface water run off

Officer Note: The proposal has been altered so as to avoid those impacts. To be assessed within the Drainage section. A condition requiring permeable surfacing of the proposed parking space is included in the recommendation.

- **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.

7.5 Following Sub-Committee on 20th July amended plans were submitted which required the description of development to be amended. This amended scheme and description was further publicised via neighbour notification letters which expired 24/08/2023.

7.6 No further representations were received as of the time of writing this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – Support. 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.

- 10.7 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 formation of the parking space to the side of No.2, this would largely be within an existing hard surfaced area with some minor realignment of a private retaining wall proposed. The space would be partly screened by existing soft landscaping. 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 LP60(b) of the Kirklees Local Plan.
- 10.17 Given the above, Officers consider that the development meets the requirements policy LP60 of the Kirklees 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 the new vehicular parking space for the use of No. 4, 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 within an existing area of mostly hardstanding with existing soft landscaping to screen the use would 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 parking screened by the retained soft landscaping is 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 parking for No. 4 which would be to the side of No. 2 from an existing driveway off Sharp Lane. Access for No. 2 would remain as existing with the use of the driveway largely retained but shared to allow vehicles using the parking space for no. 4 to turn. Occupiers of no.4 would have pedestrian access along the driveway and adopted highway to the frontage of the site (Sharp Lane and Lumb Lane) from the proposed parking area.
- 10.42 In principle, Highways raise no objections to the revised 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. This would also require the parking space to be surfaced in permeable material to avoid an increase in surface water run-off.
- 10.43 The latest proposal was reviewed by the Highway Development Management Group Engineer. Amended plans set out a dedicated parking space for No. 2 to its rear and a dedicated parking space to the side of No. 2 for the use of No. 4 whilst making use of the existing access into the highway known as Sharp Lane. The existing driveway would be sub-divided with a gate previously allowing No. 2 Lumb Lane to have exclusive access to its rear hard surfaced amenity area and to its agricultural field removed to provide vehicular turning. This would not create an additional point of access into the highway and therefore would not raise significant issues of highway safety.
- 10.44 As previously highlighted in section 5 of the report, Officers 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, as demonstrated by the vehicular tracking plan, would allow vehicles to turn within the application site and enter and leave the site in a forward gear.

- 10.45 A swept path analysis for the off-street parking space for No. 4 was supplied and reviewed by the Group Engineer which found it to be suitable for a domestic parking arrangement. It would enable vehicles associated with both dwellings to independently access their dedicated parking and turn within the site.
- 10.46 It is noted that the provision of one off-street parking space for the use of No. 4 will in part meet the needs of the newly formed three-bedroom dwellinghouse. The majority of the driveway to the rear of No. 2 will adequately provide sufficient parking for its needs as a three-bedroom dwellinghouse. It is concluded that on balance that the provision of parking for both dwellinghouses could be supported and considered acceptable having regard to policies LP21 and LP22(f) of the Kirklees Local Plan, the Highways Design Guide and Chapter 9 of the NPPF.
- 10.47 It should be noted that the distance of the non-continuous pedestrian pavement may deter occupants from walking to Almondbury Local Centre and to public transport. Measures to assist to overcome this, the provision of cycle storage facilities and an electric vehicle charging point, to support low carbon transport, are usually secured in accordance with Policies LP20, LP51 and LP24 of the Local Plan. In this instance, given the limited space within the proposed parking space for no. 2 and its separation from the host property, these measures would be unreasonable.
- 10.48 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

- 10.49 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

- 10.50 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.
- 10.51 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.

- 10.52 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.
- 10.53 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.
- 10.54 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.
- 10.55 Given the minor scale of proposed development, in this instance, a condition to have a biodiversity net gain would not be proportionate to the scale of development proposed.
- 10.56 There is a tree protected by TPO at the rear of the site (oak). There are no alterations to the driveway proximate to the tree. The realignment of the retaining wall to the south of the driveway is within the root protection area but given the existing retaining wall to the north of the access, there are no concerns that the proposal would cause direct or indirect harm to the viability of the tree. To this extent, the proposal would comply with Policy LP33 of the Local Plan.

Coal Legacy

- 10.57 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.

Representations

- 10.58 Three representations have been received on this proposal and have been re-considered within the report to determine whether the points raised were still relevant given the scope of the revised scheme. No further representations were received as a result of the amended plans.

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 side amenity space of No. 2 for the use of the proposed No. 4 Lumb Lane would serve to provide adequate parking for the site whilst using an existing driveway and therefore would not have an additional impact on highway safety.
- 11.4 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, subject to the imposition of the conditions listed below.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Parking provided in accordance with the submitted plans prior to the development being brought into use and retained thereafter.
4. Permeable surfacing to new parking space to serve no. 2
5. Area shown for the turning of vehicles on site layout (vehicles tracking) plan no. P02/P to be retained without obstruction for the turning of vehicles.

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)

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Certificate of Ownership – Certificate A signed and dated.