
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/91492 Erection of a detached dwelling (within a Conservation Area) Land Adj, 27, Goose Green, Holmfirth, HD9 2DH

APPLICANT

Dominic Heleine

DATE VALID

15-May-2018

TARGET DATE

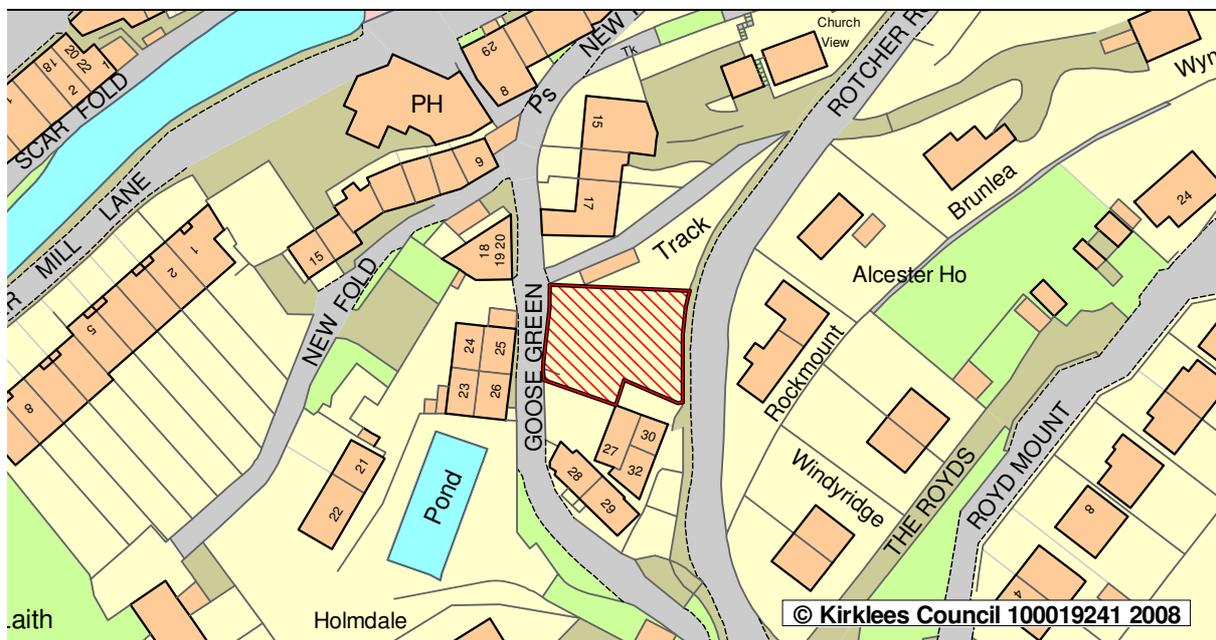
10-Jul-2018

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

No

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposed development of this open land would harm the character of the Holmfirth Conservation Area through the loss of views towards the town centre and its environs from Rotcher Road. The ability to overlook the town centre from close knit development along the steep hillside is part of the historic character of the Conservation Area. This would cause less than substantial harm to the significance of the Conservation Area which is not outweighed by any public benefit. The proposal does not therefore constitute sustainable development and would be contrary to paragraph 196 of the National Planning Policy Framework, Policies BE5 and BE6 of the Unitary Development Plan and Policy PLP35 (1) of the Publication Draft Local Plan.

2. The proposed dwelling, by reason of its siting and scale, would result in an undue overbearing impact being caused to the occupiers of No. 25 Goose Green which is a single aspect dwelling with no curtilage to the west of the application site. This is due to the significant changes in land level between the application site and the dwelling on Goose Green. This would not be overcome by the planting proposed along the western boundary which could further exacerbate the overbearing impact. As such, the proposal would be contrary to Policy BE1 (iv) of the Unitary Development Plan, Policy PLP24 (b) of the Publication Draft Local Plan and advice within the National Planning Policy Framework, Chapter 12 Achieving well-designed places.

1.0 INTRODUCTION:

1.1 The application has been brought to Sub-Committee at the request of Councillor Ken Sims with the following reason:

For members to consider whether its design and materials would preserve the character and appearance of the Holmfirth conservation area.

1.2 The Chair of the Sub-Committee confirmed that Cllr Sim's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is an area originally associated with No. 27 Goose Green located within the designated Holmfirth Conservation Area. The site forms part of the original curtilage and constitutes a Greenfield site. The land slopes downwards from Rotcher Road to the east to Goose Green which is to the west. To the north of the site the land levels change significantly and a detached garage lies adjacent to the site boundary.

3.0 PROPOSAL:

3.1 Permission is sought for the erection of one detached dwelling. The application has been submitted following the recent refusal of Planning Permission under application 2018/90495 also for the erection of one detached dwelling. The difference between the two schemes is the slight reduction (0.4 metres) to the projection of the single storey element of the building.

3.2 The dwelling would be part single storey and part two storey with an open plan living/dining/kitchen, utility room, hall and WC at lower ground floor and 3 no. bedrooms (including an en-suite) and bathroom at upper ground floor.

3.3 The dwelling would have an overall width of 7 metres, a depth of 12.5 metres with a maximum eaves height of 5.5 metres and maximum overall height of 7.5 metres.

3.4 The sectional drawing illustrates that the eaves and ridge of the proposed dwelling would be comparable with those of No. 25 Goose Green with the site plan indicating that the ridge of the dwelling would be approximately 7 metres lower than the facing dwelling 'Rockmount'.

3.5 2 no. parking spaces are proposed to be located adjacent to Rotcher Road with an adjacent terrace and garden area to the rear of the property. Planting is proposed along the western boundary.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 1988/06118 Outline application for erection of detached dwelling
Refused – access steep, site closely overlooked

4.2 2012/93564 Outline application for erection of detached dwelling (within a Conservation Area)
Refused – overbearing to 25 and 26 Goose Green, scale, standard of amenity – appeal dismissed

4.3 2015/92831 Erection of one dwelling (within a Conservation Area)
Withdrawn

4.4 2017/20011 – Pre-application for erection of detached dwelling
Advice given proposal not supported

4.5 2018/90495 Erection of a detached dwelling (within a Conservation Area)
Refused

4.6 There has been no enforcement history on the site.

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

5.1 Given the site history and the previous advice given, no negotiations have taken place nor have any amendments been sought or received.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Preservation/enhancement of Conservation Areas
- **BE6** – Infill sites in Conservation Areas
- **BE11** – Materials
- **BE12** – Space about buildings
- **T10** – Highway safety

Kirklees Publication Draft Local Plan:

6.3

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety and access
- **PLP 24** – Design
- **PLP35** – Historic environment

National Planning Guidance:

6.4

- Chapter 2 – Achieving sustainable development
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by neighbour notification letter, site notice and press advertisement. The period of publicity ended 26th June 2018. Four letters of representations have been received with the following being a summary of objections:

Conservation Area

- Inappropriate development in the Conservation Area; out of character ; loss of views from Rotcher towards Goose Green

Design

- Not in keeping

Highways

- No feasible access; total disruption to school access; access and excavation would require Rotcher to be strengthened; house to which land belongs to would only have parking for one vehicle; reversing onto a busy highway would be dangerous

Amenity

- Overbearing; overdevelopment of a garden; overshadowing; loss of light; loss of privacy; adverse impact on public amenity; garden grabbing; significant loss of green space

Ecology

- Plot is the only safe haven for local wildlife

Other matters

- Land on a steep gradient and would requires tons of soil displacement; unwelcome plan; retaining wall of No. 27 would not cope with digging out of foundations and subsequent construction

7.2 Holme Valley Parish Council – support the application but concerned about the contractor must avoid school start/finish times when accessing site to deliver materials, also that adequate sight lines should be provided and reversing onto the main road should be discouraged.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- K.C. Conservation and Design – informal comments, in line with previous advice, would remove the ability to view the town centre, would not support current scheme.
- K.C. Highways Development Management – no objection subject to conditions relating to surfacing and drainage of parking areas; relocation of street light; visibility sight lines; details of storage and access for collection of waste; schedule of means of access for construction traffic; cross sectional information with regard to all retaining walls

8.2 Non-statutory:

K.C. Ecology – informal comments – if approving attach condition with regards to nesting birds

- K.C. Highways Structures – requested condition relating to cross sectional information with regard to all retaining walls

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity and the Conservation Area
- Residential amenity
- Highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site is within the Holmfirth Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy BE5 of the Unitary Development Plan, emerging Policy PLP35 of the Publication Draft Local Plan together with guidance in Chapter 16 of the National Planning Policy Framework.
- 10.2 The site has been subject to a number of previous planning applications and an enquiry as set out above. In summary, an outline application (2012/93564) for one dwelling which was refused and subsequently dismissed at appeal due to its adverse impact on the amenity of adjacent properties. More recently, the site has been the subject of a pre-application enquiry (2017/920011) which was followed by a planning application (2018/90495) which was refused under delegated powers due to its adverse impact on the Holmfirth Conservation Area and detrimental impact on residential amenity. The only difference between this scheme and the previous refusal is the slight reduction (0.4 metres) to the projection of the single storey element of the building.

- 10.3 Although the site is a garden area, therefore a Greenfield site it is in a sustainable location and is within a built up area. As such, the principle of a dwelling on this site need not be inappropriate and could, in part, achieve the aims of the NPPF, subject to an assessment of all material planning considerations.

Impact on visual amenity and the Conservation Area

- 10.4 The impact of the development on the Conservation Area is a key consideration for the development and has previously represented a reason for refusal for the site.
- 10.5 Extensive discussions have taken place between Officers and the previous applicant including the Conservation and Design Officer in relation to exploring whether an acceptable scheme can be achieved on the site.
- 10.6 Holmfirth is characterised by tight blocks of often back to back housing that rise up the valley sides by terracing which is an indicator of the expansion of the town by the mill industry. Views of the Conservation Area allow this character to be visible and form an important part of its significance.
- 10.7 Historically, concerns have been raised by Conservation and Design that developing this site would remove the ability to view the town centre and its environs from this part of Rotcher Road and as such, cause harm that would fail Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 196 of the NPPF. Through discussions it was advised that the proposed dwelling should be reduced in height and angled so that views would be achieved into the area and any views out of the area would be minimal. This was emphasised within the pre-application enquiry.
- 10.8 The submitted plans and Heritage Statement, despite referencing the aim of 'allowing views through the site down into Holmfirth when travelling down Rotcher Road,' do not achieve this, thus blocking the views to the town centre, failing to conserve or enhance the Conservation Area. Officers have taken account of the points put forward in the Heritage Statement that the site is part of an intimate and distinct group of buildings that take advantage of site levels and are of simple detailing. It is acknowledged that this has been taken into account in the design. It is also concluded in the Heritage Assessment that 'some views' across the site should be maintained' but this does not wholly translate in the detailed scheme submitted.
- 10.9 Policy BE6 of the UDP states that development on infill sites will not normally be permitted when it would adversely affect the character or appearance of the conservation area; this is considered to be the case with this proposal. In addition Policy PLP35 of the emerging local plan states that 'development proposal affecting a designated heritage asset should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal'.

- 10.10 The harm caused to the significance is considered to be less than substantial when assessed against para 196 of the NPPF. This has been demonstrated through the loss of views/ the vista of the town centre and its environs from this part of Rotcher Road through the proposed scheme to develop this open site. No public benefits have been put forward that would outweigh this harm. Although the council cannot demonstrate a 5-year supply of housing land the NPPF, at para 11, sets out that there are specific policies in the Framework (related to heritage assets) that indicate development be restricted.
- 10.11 Following discussions with the Council's Conservation and Design Officer, it is considered that due to the above, the proposal would not comply with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 196 of the NPPF with the bulk of the building affecting the views into Holmfirth and is therefore contrary to Policies BE5 and BE6 of the UDP, Policy PLP35 (1) of Publication Draft Local Plan and Chapter 16 of the NPPF.
- 10.12 Turning to the design of the property itself, taken in isolation, the building would be part single storey and part two storey to take into account the constraints of the site. Although this would not particularly be in keeping with the surrounding area, it is not considered that the design of the building would result in significant harm to the street scene. It would take account of the topography of the site and the simple detailing of other older properties in the area. The proposed construction materials would be in keeping with the surrounding area and are considered to be acceptable.

Residential Amenity

- 10.13 The impact of the development on residential amenity is a key consideration for the proposal and has formed a reason for refusal on previous schemes. There have been concerns that the development would lead to a detrimental overbearing impact on the occupants of properties on Goose Green. This was also the opinion of the Inspectorate in dismissing the 2012 appeal. It is noted that the location of the dwelling within the plot has moved away from 25 Goose Green to face the driveway between No. 25 and No's 18-20 New Fold, and that 'minimum' separation distances as described within Policy BE12 of the UDP have been achieved. However this does not recognise the impact the mass of the dwelling would have, in particularly on no. 25. This also takes into account that the latest plan has reduced a single storey 'lean-to' element of the proposal.
- 10.14 It is noted that the proposed dwelling would not directly face the established openings within these dwellings, however the new dwelling, due to the steep topography, would still be an oppressive feature exacerbating the existing impact of rising land forming the application site. This would particularly affect No. 25 Goose Green which is a single aspect dwelling without a curtilage. The proposed dwelling with its associated terrace, parking area and garden would develop the remaining open space to the front of this single aspect property to the detriment of the amenity of the occupiers. This property already faces a retaining structure at lower level and the proposed dwelling would impact on the open aspect from the upper floor.

- 10.15 The Inspector's previous comments cited that the scale of the proposal would materially add to the feeling enclosure and dominance for the occupiers of No's 25 and 26 Goose Green and exacerbate an oppressive outlook and result in an unacceptable impact on residential amenity. The revised scheme has worked to overcome these objections but it is considered that it does not achieve this and would result in harm to the amenities of existing occupiers of no. 25.
- 10.16 Openings are also proposed that could impact on No. 17 New Fold which is located to the north of the site and has openings on the side elevation at ground and first floor level which face the application site. Windows are proposed on the side elevation of the proposed dwelling which face to the north, however given that the proposed dwelling is located to the east of the site there would be no direct window to window relationship between the two properties. Furthermore given the change in levels at the site, with the proposed dwelling set at a much higher level, this would in part help to negate overlooking concerns as the main outlook from these windows would be above no.17. In conclusion it is not considered that the proposed dwelling would cause such harm to No. 17 that there would be sufficient justification to refuse the scheme due to the impact on this property.
- 10.17 It is noted that the submitted plans show planting along the western boundary facing Goose Green however, the Local Planning Authority cannot control of the height of the planting which would be required by the occupiers of the new dwelling. This could have a further impact the properties of Goose Green which would be detrimental to residential amenity. It is therefore considered that, as highlighted by the Inspector, the dwelling would not ensure that the development would function well and add to the overall quality of the area, nor would it create an attractive and comfortable place to live, therefore conflicting with Chapter 12 of the NPPF.

Highway safety

- 10.18 Two off-street parking spaces are proposed for the property with access taken directly from Rotcher Road which is protected by a No Waiting 8am-6pm restriction. Highways Development Management raise no objection to the proposed development however have requested that should permission be granted that conditions are attached to the decision notice in relation to the surfacing and drainage of parking areas; relocation of street light; visibility sight lines; details of storage and access for collection of waste; schedule of means of access for construction traffic; cross sectional information with regard to all retaining walls. A footnote is also requested with regards to the dropped crossing. If minded to approved these matters could be secured by condition.

Other matters

- 10.19 Comments were received from a member of the public relating to the site being used by wildlife. As such, discussions have taken place with the Council's Ecologist who has stated that should permission be granted, vegetation works are to be undertaken outside of the bird breeding season and if any clearance works are to be carried out within the season, a nest search should be carried out by a qualified ecologist immediately preceding the works.

- 10.20 The wall along the western boundary provides a retaining wall for the site and Goose Green which is significantly lower than the application site and some excavation work would be required to provide the dwelling and the associated amenity areas. Paragraph 179 of the National Planning Policy Framework states that *“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*
- 10.21 As such, should the proposal be recommended for approval, a note should be attached to the decision notice outlining that in terms of land stability and excavation works, it is the developer’s responsibility for securing a safe development.
- 10.22 The Council is currently unable to demonstrate a five year supply of deliverable housing land sufficient to satisfy the requirements of the NPPF. In such circumstances paragraph 11 states that permission be granted unless the benefits of a scheme do outweigh the harm of the development when assessing the development against policies within the NPPF. The footnote to this paragraph (11) indicates that specific policies include those relating to designated heritage assets such as the Holmfirth Conservation Area. This means that the tilted balance of paragraph 11 does not apply as there are specific policies in the Framework that indicate development should be restricted and planning permission refused.

Representations

- 10.23 Four letters of representations have been received with the following being a summary of objections and Local Planning Authority response:

Conservation Area

- Inappropriate development in the Conservation Area; out of character ; loss of views from Rotcher towards Goose Green
Response: The impact of the development on the Conservation Area has been assessed within paragraph nos. 10.4 -10.12. Discussions have taken place with the Conservation and Design Officer who is concerned about the loss of views towards the Town Centre

Design

- Not in keeping
Response: The design of the property, notwithstanding the impact on the conservation area, has been assessed in paragraph 10.12

Highways

- No feasible access; total disruption to school access; access and excavation would require Rotcher to be strengthened; house to which land belongs to would only have parking for one vehicle; reversing onto a busy highway would be dangerous
Response: The Council’s Highways Development Management team have fully assessed the proposal and consider, subject to specific conditions, that the proposal is acceptable. If the application was to be approved a condition could be imposed regarding a construction management plan. The Highways

Structures team has requested a condition regarding cross-section information for all retaining walls, acknowledging the topography of the site and the relationship of the site to the surrounding highway network. The existing dwelling would have a garage with parking space in front.

Amenity

- Overbearing; overdevelopment of a garden; overshadowing; loss of light; loss of privacy; adverse impact on public amenity; garden grabbing; significant loss of green space

Response: The impact of the scheme on residential amenity has been assessed above. It is considered that, in line with previous applications and pre-application advice that by moving the dwelling to a different position within the plot does not overcome the previous concerns to such a degree that the scheme could be supported.

Ecology

- Plot is the only safe haven for local wildlife

Response: The impact of the proposal on local wildlife and ecology have been discussed with the Council's Ecologist and details are within the Other Matters section of this report.

Other matters

- Land on a steep gradient and would require tons of soil displacement; unwelcome plan; retaining wall of No. 27 would not cope with digging out of foundations and subsequent construction

Response: Both the Highways Development Management and Highways Structures teams have requested a condition to be imposed on the decision notice with regards to the submission of a scheme detailing the design and construction details for the existing and any proposed retaining walls. This is to ensure that any new retaining structures do not compromise the stability of the highway.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that there are specific policies in the NPPF which indicate the development should be restricted.

Background Papers:

Application and history files:

Current Application 2018/91492

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91492>

History

2012/93564:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2012%2f93564>

2015/92831:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92831>

2018/90495:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90495>

Certificate of Ownership – Certificate A signed