
Report of the Head of Development and Master Planning

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Nov-2019

Subject: Planning Application 2019/91537 Demolition of existing bungalow and erection of one pair of semi-detached dwellings Mayfield, 125, Huddersfield Road, Meltham, Holmfirth, HD9 4AJ

APPLICANT

D Bamforth

DATE VALID

08-May-2019

TARGET DATE

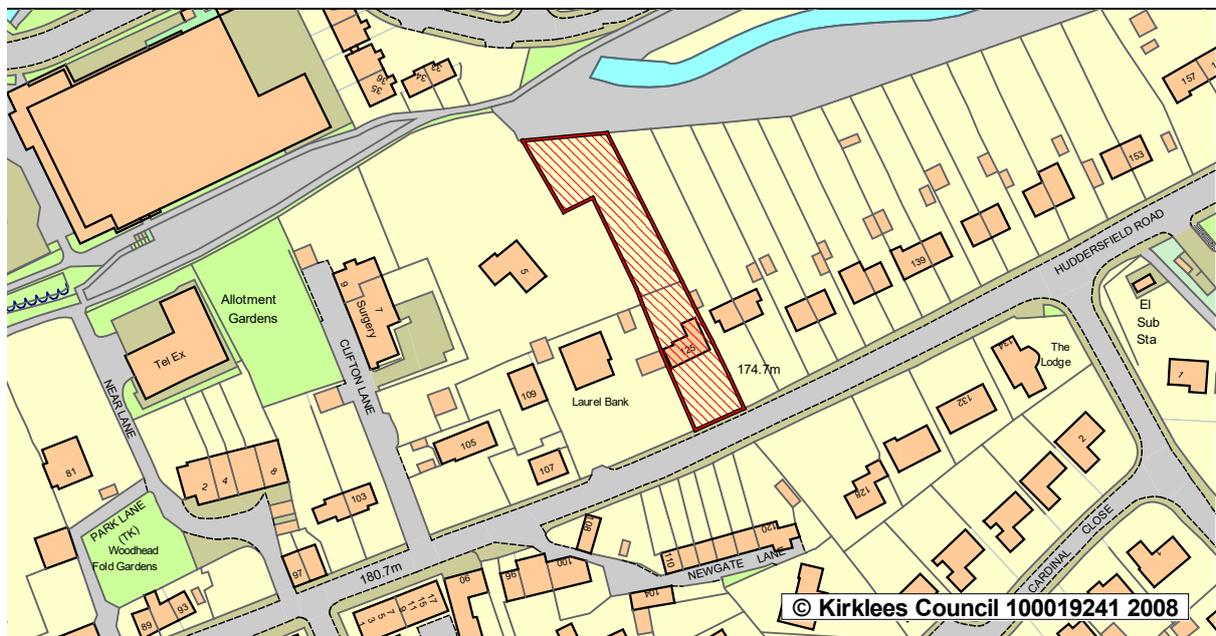
03-Jul-2019

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 North

N

Ward Members consulted

RECOMMENDATION: Conditional Full Permission

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

1.0 INTRODUCTION:

- 1.1 The application is brought to Planning Sub Committee at the request of Cllr Charles Greaves who states:

“Neighbouring residents are concerned that the impact of the proposed development on their properties has not been identified in full and would like the opportunity to present their concerns direct to the committee. I would request that the committee undertake a site visit to determine for themselves the impact of the development on the amenities of adjacent residential properties.”

As noted, Cllr Greaves has requested a site visit.

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

2.0 SITE AND SURROUNDINGS:

- 2.1 125 Huddersfield Road, Meltham is a brick constructed bungalow with tile pitched roof. The bungalow is set back into the site with an area of hard standing to the front which is bound by a dry stone wall along the road frontage and privet hedges to party boundaries within the site. The bungalow sits on a moderate sized plot, with land levels to the rear of the bungalow being lower than the front of the site.
- 2.2 The site lies along one of the main roads into Meltham, surrounded by residential development consisting of mainly pairs of semi-detached dwellings to the east and more dispersed detached buildings to the west. The application plot is at a lower level than the adjacent site to the west known as Laurel Bank which accommodates a detached double garage and out building along the party boundary with the application site.

3.0 PROPOSAL:

- 3.1 The application seeks to demolish the existing bungalow and replace it with a pair of semi-detached dwellings. Each dwelling would provide accommodation over two floors and in the roof space. One of the dwellings would incorporate a pairs of dormers in the rear roof slope. The dwellings are to be sited further back into the site than the existing bungalow with the front of the dwellings shown to be flush with the neighbouring pair of dwellings, to the east. To the rear, both dwellings are shown to have a single storey element to provide family rooms.
- 3.2 The plans have been revised omitting the dormers to the front and to include obscure glazing to the side openings in the western elevation. The dwellings would be constructed in artificial stone with artificial stone slates.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None

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

- 5.1 Plans have been revised to :
- Set back dwellings into site, to sit flush with neighbouring pair of dwellings to the east
 - Omit dormers to the front,
 - to include obscure glazing to the side openings in the western elevation,
 - lowering of the roof pitch of one of the dwellings to provide a stepped effect in the roof,
 - driveway to be widened to 4.5m and
 - refuse bin collection included

The above revisions were requested by Officers and revised plans advertised allowing a further round of publicity.

- 5.2 Subsequently one further revision to include a fence along part of the western boundary and obscure glazing to openings in the side elevation facing Laurel Bank was received. These revisions are publicised on the website and the occupiers of Laurel Bank (adjacent to the western boundary) were informed of the revisions.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 The site is unallocated on the Kirklees Local Plan and adjacent to Meltham Conservation Area with listed buildings (110 to 120 Newgate Lane) on the opposite side of the road

Kirklees Local Plan (2019):

- 6.2 LP 1 – Presumption in favour of sustainable development
- LP 21 – Highway safety and access
- LP 22 – Parking
- LP 24 – Design
- LP33 - Trees
- LP35 – Historic Environment
- LP30 - Biodiversity
- LP51 – Protection and improvement of local air quality

Supplementary Planning Guidance / Documents:

- 6.3 National Design Guide September 2019

National Planning Guidance:

- 6.4 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 advertised by site notices and neighbour letters with the publicity period being extended on receipt of the revised plans. As a result of the publicity a total of 6 representations have been received. The concerns and issues raised are summarised below:

- Cramped and overdevelopment of the site
- Design, step/break in roof not in keeping with neighbouring semis and street scene
- Scale, height and openings would result in overbearing, cause overlooking, overshadowing and loss of privacy of outdoor private area and into neighbouring properties and overshadowing
- Front & rear dormers out of character and would cause over looking into neighbouring sites, compromising their privacy
- Loss of privacy from openings in side elevation
- Loss of light to neighbours from proposed single storey element
- Tree line not shown on plans
- Trees should not be removed
- Highway safety parking issues
- Bin storage area to front not in keeping
- Strain on drainage system with addition of dwelling

- 7.2 Meltham Town Council – support the application.

8.0 CONSULTATION RESPONSES:

- 8.1 **Statutory:**
K.C DM Highways – support the revised plans subject to conditions

8.2 **Non-statutory:**

K.C Conservation & design – support revised scheme

K.C Arboricultural Officer – no objections as trees not likely to be affected

K.C Ecology Officer (verbal comments) no objections and no requirement for a bat survey

9.0 **MAIN ISSUES**

- Principle of development
- Impact on visual amenity including heritage assets
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Chapter 2 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations) which are interdependent and need to be pursued in mutually supportive ways.
- 10.2 Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Amongst other things, residential or visual amenity, highway safety or the character of the area are all considerations are addressed later in this assessment.
- 10.3 Turning to housing land supply, in the recently adopted Kirklees Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).
- 10.4 Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 68 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes". The development site forms a small plot within a residential area. Although the Local Planning Authority can demonstrate a five year land supply, the development of this windfall site, which has an existing dwelling would contribute to the housing delivery by providing an additional dwelling, likely to be built fairly quickly.

Impact on visual amenity including heritage assets

- 10.5 Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.6 This is a prominent site being situated along a road frontage and adjacent to Meltham Conservation Area. The site is closely associated with the conservation area and there are listed buildings on the opposite side of the road.
- 10.7 The statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, requires local planning authorities to pay special to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the Act adds that special regard is to be had to the desirability of preserving the setting of a listed building.
- 10.8 Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.
- 10.9 Policy LP24 requires that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape and are in keeping with the existing buildings in terms of scale, materials and details.
- 10.10 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.
- 10.11 The proposed dwellings would appear and two storey in scale when viewed from Huddersfield Road. Furthermore they would sit flush with the existing pair of semi-detached dwellings to the east, although at a higher level, as demonstrated on the submitted street scene elevation. The proposed gabled roof design would be at a contrast to the hip roof styles of the adjacent dwellings to the east. However, they would be more comparable to the listed building on the opposite side of the road and other properties in close proximity to the application site.
- 10.12 Officers are of the opinion that the replacement of the existing brick bungalow, which provides little architectural merit, with the proposed revised scheme of two dwellings faced in artificial stone would broadly reflect the style of buildings around the site. The proposed scheme is considered to be more aesthetically pleasing than the existing bungalow and would be seen to integrate well with the surrounding development and the character and setting of the Meltham

Conservation Area, including the listed building on the opposite side of the road. The site would retain and continue to provide an open aspect to the front which to some extent defines the entrance to the Conservation Area. This, together with the removal of dormers on the front elevation, would respect the visual amenity of this street scene. Taking this into account the development is not perceived to be cramped or to result in an overdevelopment of the site. The overall density and visual scale would be similar to the dwellings to the east of the site. Both plots would have substantial areas of amenity space

- 10.13 In conclusion the scheme would not have a harmful impact on the character and appearance of the adjacent Conservation Area, would respect the character of the townscape, heritage assets and landscape in general. As such, the proposal would accord with Sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 (a) and LP35 of the Kirklees Local Plan and Chapters 12, 15 and 16 of the NPPF insofar as these expect development to be of good design, to respect the site and its surroundings, and to retain and enhance features that contribute to a place's heritage, character and local distinctiveness which also forms key principles of the National Design Guide.

Residential Amenity

- 10.14 Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future users and neighbouring occupiers, including maintaining appropriate distances between buildings.
- 10.15 The application site lies between two neighbouring residential plots. As such the impact of the proposals and redevelopment of this site take into account the impact on the amenities of both these neighbours as well as the future occupants of the proposed dwellings.
- 10.16 Firstly, in considering the impact on no. 127 Huddersfield Road, this is a two storey semi-detached dwelling which sits further back in its site and a lower ground level, than the application bungalow. On the side elevation, facing the application site, this property has two openings at first floor level, both of which appear to be serving non habitable rooms and one which benefits from obscure glazing. At ground floor this dwelling has a small single storey structure with a wooden door. There is a dense hedge on the side boundary (rear of the dwelling) with this site and within the rear garden of no. 127 there is a further single storey structure. The principal windows for this dwelling are contained within the front and rear elevations.
- 10.17 The submitted plans shows the retention of most of the existing dense hedge. A distance of approximately 950mm will be achieved from the side elevation of the proposed dwelling to the party boundary with no. 127. The distance will be increased to approximately 2 metres between the proposed side elevation of the single storey part of the dwelling to the shared rear boundary with no. 127. The proposed dwelling, particularly the single storey element with a projection of 4.60m, is considered to retain a good standard of amenity for the existing occupiers of this adjacent property. This is because the impact of the element, to be set in 2m from the party boundary with a blank elevation, would largely be mitigated by the existing dense hedge and the existing single storey structure within the rear garden of no. 127. Even in the event both the hedge and

structure are removed it is unlikely the proposals would detract from the amenities currently enjoyed by the occupants of no. 127. It presents a blank elevation which can be retained by removal of permitted development rights. Windows in the main part of the dwelling (on the side elevation) looking towards no. 127 are limited to non-habitable space/rooms. In the siting, scale and position of openings proposed, officers are satisfied there would not be an undue impact through loss of light or privacy currently enjoyed by the occupants of no. 127.

- 10.18 Turning to the existing property, west of the application site, known as Laurel Bank, this property is on an elevated plot and has its principal elevation facing east towards the application site. The difference in levels between the two sites is approximately 1.50m. Laurel Bank has two detached structures (double garage and other ancillary building) sited along the party boundary with the application site. The area between the two structures is largely a yard serving their garage and access to the other ancillary building. Their primary garden area is south of their property, along the road frontage which is reasonably private due to the existing planting and screening along the boundaries.
- 10.19 The distance (over 14m) between the proposed dwellings and Laurel Bank is largely to remain as existing. However, it is acknowledged the replacement of the bungalow with two storey dwellings, set further back into the site would unquestionably increase the bulk, mass and height and thus the outlook from Laurel Bank would be facing towards the side elevation of the westernmost dwelling. The mass is two-storey but this property also includes rear dormers to light the accommodation in the roof space. The existing relationship between Laurel Bank and no. 125 provides an outlook through the gap between outbuildings within the curtilage of Laurel Bank over the application site. This would, in part, be foreshortened by the siting and scale of the development proposed. In particular this relates to the rear half of the main dwelling, as the single storey section to the rear would be largely obscured due to the difference in land levels and the existing landscape/proposed close boarded fence. Whilst acknowledging the impact of the new dwellings, it is considered that the impact on outlook, and ensuing impact on light to affected windows, would not be undue. A separation of a minimum of 14m would be retained, the dwellings are sited on a lower ground level with the ridge of the closest dwelling reaching to around the eaves level of Laurel Bank. The orientation of the properties to one another means that loss of sunlight to the affected windows would only occur in the early to mid-morning, and only to those windows not already shaded by outbuildings in the curtilage of Laurel Bank. Officers are of the opinion in the siting proposed, the increased scale and mass of the proposals would not cause a detrimental impact on the light, nor create an undue overbearing or shadowing impact to the property Laurel Bank or its private external amenity areas. Furthermore, it is recognised the outlook from Laurel Bank, particularly from the ground floor openings is already to some extent obstructed by their own detached outbuildings which are situated adjacent to the application site western boundary.
- 10.20 With respect to overlooking, new windows including the proposed rear dormers, would be at an oblique angle to the openings of neighbouring properties and their external amenity areas. In light of this, officers are satisfied there would be no adverse impact on the privacy of both neighbouring sites nor would the proposals result in any unreasonable overlooking to the external private amenity areas to warrant a refusal on such grounds.

- 10.21 The final revised site block plan includes the provision of a close boarded timber fence along part of the western boundary. This would be necessary to protect the amenities of the future residents from car lights from the use of the yard within the neighbouring site, only if the existing landscaping is removed. A condition will be imposed for the fence to be erected in the event this occurs and for its retention thereafter.
- 10.22 It is considered appropriate to condition obscure glazing to all the openings on both side elevations and the withdraw permitted development rights (to roof and rear garden) to ensure the site does not result in over development of the site and to protect the amenities of neighbouring sites from potential overlooking / loss of privacy.
- 10.23 In summary, the siting, footprint, scale and mass of the dwellings proposed would ensure an adequate level of open space, and amenity area for the future occupants without adversely comprising the amenities of neighbouring dwellings, in accordance with Policy LP24 of the Local Plan and guidance in the NPPF

Highway issues

- 10.24 The impact of the development on highway safety has been assessed against Policies LP21 and LP22 of the Local Plan and on assessment of the revised plans. The Highways DM Officer initially raised concerns in relation to the width of the access which was advised to be widened to 4.5m, and the lack of bin storage/collection areas. In addition it was advised a note should be included on the site block plan to ensure that visibility when exiting the site is not obstructed.
- 10.25 The revised site block plan now addresses the concerns raised. To conclude the highway assessment, the proposals would provide adequate on site turning area to allow vehicles to leave in forward gear, parking, bin storage areas to accommodate both dwellings and the access has shown to be widened to 4.5m. Subject to the development being carried out to provide the above, the proposals would accord with Policies LP21 and LP22 of the Kirklees Local Plan and unlikely to result in any undue highway safety implications.
- 10.26 Given the areas for parking and drive would remain hard surfaced as existing, it would not be necessary to impose the suggested condition by Highways for the parking areas to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's ' Guidance on the permeable surfacing.

Representations

- 10.27 Other than the concerns in relation to additional strain on the drainage system and trees all other representations have been addressed in the proceeding paragraphs.
- 10.28 According to the Council's records, there are no known drainage issues in close proximity of the application site. Furthermore, in line with the Council's standard advice for minor applications it is not normally necessary to impose any drainage conditions for such development. This is because drainage details would be appropriately assessed through a Building Regulations application/approval.

10.29 With respect to trees the Council's Arboricultural Officer confirms the proposals would not affect the trees and as such raises no objections

Other Matters (Electric Vehicle Charging Points, Trees & Bat layer, Climate Change)

10.30 The site does not lie in an area known to have air quality issues, nonetheless in line with local and national policy any approval for new dwellings will include a condition for electric vehicle charging points, to accord with guidance set out in the NPPF (paragraph nos. 105, 110 & 170) and Policy LP24 of the Local Plan. It would be reasonable to condition one charging point for each new dwelling.

10.31 With respect to trees, the site benefits from a number of mature trees largely concentrated to the northern part of the site. The redevelopment would be within the southern (front) part of the site. The Council's Arboricultural Officer confirms the proposals would not affect the trees and as such raises no objections subject to a protective fencing to be provided to prevent accidental damage during demolition/construction. This can be conditioned to accord with Policies LP24 and LP33 of the Kirklees Local Plan.

10.32 The site lies in an area identified as a Bat Alert area on the Council's geographical information system. Given the site comprises of a well maintained domestic curtilage, it is unlikely to currently hold any biodiversity interests. Nevertheless, to accord with guidance in the NPPF, Policy LP30 of the Local Plan it would be reasonable to condition enhancement measures in the form of a bat box to each dwelling, integral to the dwellings to be installed during the construction phase and an advisory note for the removal of hedgerow/trees or shrubs to be carried out between a certain period of the year.

10.33 Climate Change: Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. It would redevelop a brownfield site in a sustainable location in a more efficient manner (higher density) and would include the provision of electric vehicle charging points.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Development within 3 years
2. In accordance with approved plans and specifications
3. Material samples
4. Obscure glazing to all windows in the east and west (side) elevations of the dwellings
5. Remove permitted development rights for alterations/extensions to the roof and outbuildings
6. Remove permitted development rights for side facing windows in the ground floor east elevation
7. Widen access and retain sight lines thereafter
8. Bat boxes
9. Electric Vehicle Charging Points
10. If landscape removed along western boundary, to replace with 2m close boarded fence
11. Protective fencing to trees before development and during construction.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91537>

Certificate of Ownership – Certificate A completed.