

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/93363/E
Site Address: 24, Doctor Lane, Mirfield, WF14 8DN
Description: Erection of detached dwelling
Recommending Officer: Emma Thompson

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Jan-2018

Officer Report

Site Description

24 Doctor Lane, Mirfield

The application site includes an elongated garden area located to the rear of number 24 Doctor Lane. The Garden area gently slopes from north west in a south easterly direction. The site is bound by residential development to all sides of varying ages. Those to the south west are more recently construction and provide quite high density development with those to the north and north east larger detached and semi-detached older properties.

Amenity space associated with the existing development varies quite significantly from large areas of garden space to very limited areas.

Access to the site is via The Embankment to the rear of number 24 Doctor Lane. The road serves the newer development and terminates with a cul de sac/turning head.

Description of Proposal

Erection of dwelling

The proposed dwelling is 2.5 storeys (accommodation in the roof space) and occupies an area adjacent to number 5 The Embankment. The dwelling footprint measures approximately 9 metres by 10.1 metres depth. The height is just less than 9.5 metres to the ridge.

A new driveway access is proposed located off The Embankment and provides vehicular access adjacent to number 11. The access driveway turns at right angles and into an area that is hardstanding. This is shown to provide internal turning. A detached garage is tucked into the corner of the site. Off street parking is shown for number 11 in addition to spaces for the new dwelling.

History of negotiations/amendments received

The application proposals have been discussed at length with the agent as it is recognised the site is tucked to the rear and side of existing dwellings and should maintain space and reduce any impact on any adjoining occupants. To this end the building proposed has been revised to lessen the impact. The roof pitch has been amended and space to boundaries increased. These are discussed later in the report.

Highway concerns have also been addressed through the submission of a revised layout plan.

Relevant Planning History

None for the application site.

The adjacent development (The Embankment) was approved under 96/91462.

Representations

Final publicity date Expires: Neighbour Notification expired 3rd November 2017; Site notice expired 2nd November 2017

7 objections received. A summary of the comments received is set out below:

- Out of character (design, materials)
- Over-development
- Overbearing
- Noise & disturbance
- Loss of privacy
- Loss of light
- Increase in traffic
- Lack of parking
- Building works
- Loss of wildlife

Town Council comments – not received

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Environmental Health – No objections subject to conditions
- KC Highways DM – No objections

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. 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 216 of the National Planning Policy Framework. 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 (2012), 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.

The site is unallocated on the UDP Proposals Map and unallocated on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- D2 – Land with no notation
- BE1 – Design Principles
- BE2 – Quality of design
- BE12 – Space about buildings
- T10 – Highway Safety
- T19 – Parking standards
- G6 – Land contamination
- EP11 – Ecological landscaping
- H1 – Housing needs of the district

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Presumption in favour of sustainable development
- PLP2 – Place shaping
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP24 – Design
- PLP30 – Biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 4 - Promoting Sustainable Transport

Chapter 6 – Delivering a wide choice of high quality homes

Chapter 7 – Requiring Good Design

Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

Chapter 11 – Conserving and enhancing the Natural Environment

Assessment

Principle of development

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

Paragraph 14 of the NPPF introduces a presumption in favour of sustainable development. For decision taking, unless material considerations indicate otherwise, this means:

- *‘approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted.’*

Footnote 9 lists examples where specific policies within the Framework indicate that development should be restricted. The examples include land designated as Green Belt and Local Green Space. The application site does not fall into either of these categories.

The NPPF sets out at paragraph 49 that ‘housing applications should be considered in the context of the presumption in favour of sustainable development.’ Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.

Visual amenity

The application site is currently a long area of garden space surrounded by existing residential development. As the land is considered to be greenfield an assessment has to be made as to whether the loss of the site, in terms of visual amenity, would be detrimental to the character of the area and whether the benefit of the erection of residential development would outweigh the loss of the greenfield site.

Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history and reflects the identity of local surroundings and materials. In addition UDP Policies BE1, BE2 and BE11 are considerations in relation to design, materials and layout. The NPPF echoes these policies and states that “design which fails to take the

opportunities available for improving the character and quality of an area should not be accepted."

The land is bound by residential development and is therefore enclosed to wider public view. The development of part of the garden area is not considered to disrupt the existing patterns of development nor would it compromise the character which has already been changed through the erection of the Embankment development. Prior to the erection of this particular development the area would have been made up of predominantly larger houses and garden areas but more recent development has altered this character introducing buildings alongside existing garden spaces/amenity space. The erection of a dwelling to the rear of number 24 and adjacent to number 5 would continue the established pattern with a dwelling that neighbours an existing building. Taking into account the established pattern of development it is considered, on balance, that the introduction of a detached property in the location proposed is acceptable.

Furthermore bearing in mind the space available it is considered that the erection of a dwelling would be acceptable maintaining space to the north west and south east. The building is set in from the boundaries and adjacent to an existing building to the west. Whilst it is shown to be set forward it is not considered to materially compromise visual amenity.

The proposed garage is single storey and tucked into the south eastern corner of the site reducing any impact in visual terms. It is appropriately design and of a scale relevant to the site and proposed development.

The dwelling and garage proposed is to be constructed of natural coursed stone to front and rear and red brick to the gables. The roof is to be blue/grey slate. The existing buildings surrounding the site are a mixture of materials and as such those proposed for the development are considered appropriate and would not detract from the character of the area in accordance with Policies D2 and BE1 of the UDP.

To summarise, the development proposed is considered by officers to be acceptable from a visual amenity perspective and would be in accordance with Policies BE1, BE2, and D2 of the UDP as well as the aims of Chapter 7 of the NPPF.

Residential amenity

The relationship of the proposed dwelling to existing development is considered akin to that approved as The Embankment. Number 5, being located adjacent to the garden of number 24, results in a similar relationship that the proposed dwelling will have with the gardens to 26 Doctor Lane and the rear boundaries of 55/57.

The building is set in from the boundaries and adjacent to an existing building to the west. Whilst it is shown to be set forward of number 5 it is not considered to result in any loss of amenity for the occupants. The building is

marginally forward of the existing conservatory both of which are set in from the boundary thereby reducing any impact. Taking into account the scale and location of the dwelling proposed it is not considered that it would result in any loss of amenity to any adjoining occupant due to it being overbearing. It has been set in from the boundaries and the roof pitch reduced to minimise massing.

In assessing the impact of the development on both dwellings externally surrounding the site and the dwelling proposed within the site, Policy BE12 of the UDP is of relevance. This policy recommends a separation distance of 12m between existing habitable room windows and non-habitable room windows and 21m between habitable room windows of any two dwellings. A distance of 10.5m is recommended from a habitable room window and the boundary of any adjacent undeveloped land and 1.5m between any wall of a new dwelling and the boundary of any adjacent land other than a highway. Any distances less than this may be acceptable providing that it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings.

The dwelling proposed is situated so that it is directly opposite the existing dwelling (number 24) with the front elevation facing the gable of number 11. Window to window distances meet those specified in Policy BE12. It is recognised that the dwelling is nestled amongst other dwellings that are off set at acute angles and distances specified in BE12 are not met. Taking into account the achievable distances in addition to the resulting angles between the existing proposed dwellings it is not considered that the development would result in any detriment to existing and future occupiers.

The single storey located to the south eastern corner of the site is not considered to result in any concerns regarding loss of privacy or amenity for any occupant.

It is also considered by officers that sufficient amenity space is provided for both the existing and proposed dwellings to adequately meet the needs of future occupiers of the units.

As such, it is considered by officers, that the development would not result in any material harm to the amenity of nearby residents and an acceptable standard of amenity would be provided for the future occupants of the development thereby according with Policy D2 of the UDP as well as the aims of policy BE12 of the UDP in terms of residential amenity.

Highway Issues:

The application seeks approval for the erection of a detached dwelling on land behind 24 Doctor Lane, Mirfield.

The development consists of a single, detached, five-bedroomed dwelling with an external single garage and parking. Access is taken from The Embankment, between dwelling numbers 9 and 11. Swept-path analysis for a car is shown on the drawings supplied by the applicant.

Following revised drawing being supplied by the applicant showing parking provision in line with Kirklees' UDP and a single garage of adequate dimensions, the proposals are considered acceptable from a highways point.

With the inclusion of appropriate conditions relating to the surfacing of parking areas, the proposals are not considered to materially add to any undue highway safety implications, complying with the aims of Policies T10 and T19 of the UDP.

Other matters:

Air quality

This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The size of the development is less than that of prescribed values set out in this document, which is why it is regarded as a minor development.

Sustainable transport Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles." As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.

Representations:

The concerns raised in representations are addressed as follows:

Out of character (design, materials)

Response: The scheme has been designed taking into account the character of existing development which is mixed in both design, scale and materials. It is not considered that the development would detract from the visual amenity of the area and is in accordance with relevant policies and the NPPF.

Over-development

Response: It is considered that the site has space to accommodate a single dwelling unit whilst maintaining adequate amenity space and maintaining the character of the area.

Overbearing

Response: It is considered that the dwelling proposed is of a scale and design similar to other properties in the vicinity. The dwelling maintains adequate space so as not to result in a development that is considered overbearing.

Noise & disturbance

Response: The development is for residential accommodation and is therefore an acceptable compatible use for the site. A footnote has been recommended to advice of working hours to prevent nuisance to any nearby occupant.

Loss of privacy

Response: Taking into account the location of development and the space that would be maintained around the dwellings proposed in addition to the positioning of windows, it is considered by officers that there would not be any overlooking of any adjacent private amenity space over and above what currently occurs nor would there be a loss of privacy due to window aspect.

Loss of light

Response: The agent made changes to the pitch of the roof to reduce the height and scale of development. It is considered by officers that the layout of the development, which maintains space to boundaries, in addition to the height of the properties proposed and gradient of land, would not result in any detriment to adjoining occupants due to overshadowing or loss of light.

Increase in traffic/lack of parking

Response: KC Highways DM have been consulted and raise no objections. The details provide adequate off street parking and access.

Building works

Response: A footnote has been recommended to advice of working hours to avoid nuisance to any nearby occupant.

Loss of wild life

Response: The site is an area of garden and as such provides limited opportunity for wildlife. The plans submitted include a landscape plan which shows areas to be retained including hedges.

Conclusion

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.

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.

Decision Authorisation - Delegated Powers

Application Number: 2017/93363

Officer Recommendation: Approve

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2, and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

3. Prior to the development being brought into use, the approved vehicle parking, access, and turning areas, shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan and Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan.

4. Prior to occupation of the dwelling, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points so provided shall be retained.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with guidance in the National Planning Policy Framework.

5. The development shall be completed using natural stone with brick gable ends and slate roof. Samples of walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the superstructure of the dwelling hereby approved

Reason: To ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1 and BE2 of the Kirklees Unitary

Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, C and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and to accord with Policies BE1 and BE12 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and chapter 7 of the National Planning Policy Framework.

NOTE:

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE:

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	FHDL-MWA-01-ZZ-DR-A-001 Rev A		2nd October 2017
Existing site survey	FHDL-MWA-01-ZZ-DR-A-002 Rev A		2nd October 2017
Proposed site layout	FHDL-MWA-01-ZZ-DR-A-003 Rev D		2nd November 2017
Proposed house floor	FHDL-MWA-01-ZZ-		2nd October 2017

Plan Type	Reference	Version	Date Received
plans and elevations	DR-A-004 Rev B		
Landscaping and boundary treatment	FHDL-MWA-01-ZZ-DR-A-006 Rev A		2nd October 2017
Proposed garage and elevation	FHDL-MWA-01-ZZ-DR-A-005 Rev A		21st November 2017
Proposed long section	FHDL-MWA-01-ZZ-DR-A-007 Rev B		21st November 2017
Proposed site section	FHDL-MWA-01-ZZ-DR-A-008 Rev A		21st November 2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The agent reduced the scale of development at the request of officers to reduce the mass.

Report Dated: 18/1/18