

**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: 2018/62/90005/E

Site Address: plot to rear of, 1, West View, Denby Dale,
Huddersfield, HD8 8RZ

Description: Erection of detached dwelling

Recommending Officer: Nia Thomas

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.

Julia Steadman

AUTHORISED OFFICER

Date: 27-Mar-2018

Officer Report

Site Description

The site relates to an area of unused rear garden space to 1 West View, Denby Dale. The site is currently overgrown and is set at a slightly higher height than that of 1 West View.

The site is accessed via a drive which runs to the south of West View to an area of off street parking located to the rear. To the rear (northeast) of the site, there is a row of terraced properties whilst to the southeast of the site is a row of terraced properties at Briarfield. To the rear of 2 West View, there is a recently constructed dwelling.

The area is characterised by two storey stone built properties.

The site is unallocated on the Kirklees Unitary Development Plan and is unallocated on the Kirklees Publication Draft Local Plan.

Description of Proposal

The application is a resubmission of approval 2010/93045. This is because the Council do not consider that the applicant has lawfully implemented their previous permission. The depth of the dwelling is also reduced by 1.5 metres.

Planning permission is sought for the erection of a detached dwelling. The dwelling will be 7.3 metres in overall height (3 metres to the lowest eaves), 10.1 metres in width and will be 15.2 metres in length.

The dwelling will be constructed from stone for the external walls, artificial stone for the roofing materials and upvc for the openings.

History of negotiations/amendments received

No amendments have been sought as the proposal is acceptable in its current form.

Relevant Planning History

2008/90795 – Outline application for erection of dwelling APPROVED

2010/90345 – Erection of detached dwelling APPROVED

2013/90185 – Extension of time limit to previous permission of detached dwelling APPROVED

Representations

Final publicity date Expires: 2.2.2018

No neighbour representations have been received.

Denby Dale Parish Council – objection relating to increased impact of vehicles access on Leak Hall Crescent due to new developments

Consultation Responses

K.C. Highways Development Management (consultation of previous application) – no objection subject to parking provision on the site.

K.C. Trees (consultation of previous application) – no objection.

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** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Materials of construction
- **BE12** – Space about dwellings
- **T10** – Highway safety
- **T19** – Parking Provision
- **NE9** – Retention of mature trees

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP3** – Location of new development
- **PLP11** – Housing mix and affordable housing
- **PLP21** – Highway safety
- **PLP22** – Parking Provision
- **PLP 24** – Design
- **PLP27** – Flood Risk
- **PLP33** - Trees

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 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 10** – Meeting the challenge of climate change, coastal change and flooding
- **Chapter 11** – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – 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]”.

Visual amenity, residential amenity and highway safety will be assessed in this report.

2 –Impact on visual amenity:

The impact on visual amenity is acceptable. The application is a re submission of the previously approved 2010/90345 application – with a reduction in the depth of the dwelling by 1.5 metres. Although it is acknowledged that since this approval, the NPPF has been introduced, the proposal is considered to be acceptable in terms of visual amenity. There are no other external changes to the dwelling from the previous approval.

The application site is not located close to the highway of Leak Hall Crescent and given its significant setback, will not be overly visible from the streetscene. The site can adequately accommodate the dwelling without it constituting overdevelopment of the site.

The design is acceptable and accords with guidance contained within Chapter 7 of the NPPF which states that it is important to seek to promote or reinforce local distinctiveness. In an area of this character, in which stone is the predominant material, the proposed materials is an important element to fit with the character of the area and will ensure that the new development integrates into the built environment.

The design of the dwelling would fit into the plot and would not appear unduly prominent and out of keeping in the area. It would be a sympathetic fit to its context, harmonising with the surrounding buildings which are varied in appearance and character.

Consideration has also got to be given to the previous approval in which the design of the dwelling has not changed and the scale is only very slightly changed. A scheme detailing floor levels has been recommended by condition to ensure that the development will be in character with its surroundings.

To summarise, it is considered that the design, scale, massing, and choice of materials is acceptable in this location and would comply with the aims of current planning policies contained within the Kirklees UDP in respect to visual amenity, Chapter 7 of the National Planning Policy Framework and policy PLP24 of the Kirklees Publication Draft Local Plan.

Overall

To summarise, the proposed dwelling is considered acceptable from a visual amenity perspective in accordance with policies D2, BE1 and BE2 of the UDP as well as chapters 6 and 7 of the NPPF, and policy PLP24 of the PDLP.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. No objections have been received.

Impact on no.s 21-29 Woodlands Close

A distance of 21 metres would just be achieved between the main rear elevation of the proposed dwelling and that of the properties located on Woodlands Close. This distance is once again considered to be acceptable and in accordance with Policy BE12 of the UDP, however the 21 metre distance does not take account for the proposed 3 metre rear conservatory. While the rear elevation of the conservatory would be within 18 metres of the rear elevations of Woodlands Close, this is considered to be acceptable given that this distance occurs on the ground floor and can therefore be mitigated by appropriate boundary treatment. A condition requesting the submission of boundary treatment details will be recommended along with a conditions removing permitted development rights for new openings and for the addition of extensions to ensure that any further development is controlled by the Local Planning Authority in the interests of residential amenity.

Terraced dwellings on Briarfield

The south eastern side elevation of proposed dwelling would be 13 metres from the rear elevation of properties along Briarfield. This distance is in accordance with Policy BE12 of the UDP given that the majority of the elevation will be blank with just 2 small roof lights and a small secondary bedroom window at first floor. At ground floor a living room window would be located in the side elevation however any impact from this window could be controlled via appropriate boundary treatment.

A condition has been recommended to provide boundary treatment details to prevent overlooking/loss of privacy and permitted development rights will be removed by condition for the insertion of new window openings to further protect the amenity of the occupiers of Briarfield.

Due to the topography of the land, the properties along Briarfield are set at a lower level than that of the application site but given the ridge height of the proposed dwelling and the fact that the roof will slope away from the boundary with these sites, there will be no overbearing or overshadowing impact. The overall heights of the proposed dwellings and these terraced properties will be the same.

Impact on no. 1/2 West View

A distance of more than 21 metres would be achieved between the front elevation of the proposed dwelling and the rear elevation of 1 and 2 West View which is also in accordance with Policy BE12. While the relationship between the two properties would be direct, Policy BE12 states that a distance of 21 metres is considered to be acceptable between habitable room windows.

The proposal would not lead to any overlooking or overbearing/overshadowing impact.

Impact on no. 8 Leak Hall Road

This dwelling is on a much higher level than the application site and has no openings in its side elevation. Although there is only approximately 3 metres between the sites, there are 2 non habitable windows and one secondary habitable room opening facing this site which is on a much higher level. No. 8 Leak Hall Road does not have any openings in its side elevation and therefore there would be no impact on residential amenity. UDP policy BE12 does not provide recommended distances for non-habitable openings facing onto blank walls. There would be no undue overlooking.

Given the levels differences and small scale of the proposed dwelling, there would be no overbearing impact.

Overall

For the reasons set out above, the proposals would have no detrimental impact upon residential amenity and would accord with policies D2 and BE12 of the UDP, policy PLP24 of the PDLP, and the aims of the NPPF.

4 – Impact on highway safety:

The impact on highway safety is acceptable and the application is a resubmission of the previous application – the dwelling is located in the same position. The access is in the same position and there are 5 parking spaces within the site. This layout has previously been accepted by Highways DM and there are no circumstances that would cause highway safety issues. A condition has been recommended to ensure that the access is provided as per the plans and the surfacing will be made from permeable materials in the interests of avoiding flooding/drainage issues.

To summarise, the proposals are considered acceptable from a highway safety perspective and would accord with the aims of policies T10 and T19 of the Kirklees Unitary Development Plan, policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan, as well as chapter 10 of the NPPF.

5 – Other matters:

Trees – There was no objection from K.C Trees as a result of the previous proposal and the position of the dwelling has not changed significantly. The proposal will not come overly close to the group of protected trees to the northeast of the site - there will be no damage to the trees as a result of the dwelling. The proposal will comply with policy NE9 of the Kirklees Unitary Development Plan, policy PLP33 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received as a result of the statutory site publicity.

Denby Dale Parish Council have raised highway safety concerns however, as set out in the main assessment above, the principle of a dwelling in this location has previously been approved but not implemented. The current proposal has been re-assessed by Highway DM and as such, is considered acceptable.

7 – 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.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2018/90005

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

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, BE11, BE12, NE9, T10 and T19 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22, PLP24, PLP27 and PLP33 of the Kirklees Publication Draft Local Plan, as well as the aims of Chapters 6, 7, 10 and 11 of the National Planning Policy Framework and.

3. Development shall not commence until details of external materials to be used on the new dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved pursuant to this condition shall be used.

Reason: In the interests of visual amenity and to accord with Policies BE2 and BE11 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and Chapter 7 of the National Planning Policy Framework.

4. 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 and B of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of adjoining properties and to accord with Policies BE12 and D2 of the Kirklees Unitary Development Plan and in accordance with the aims of the National Planning Policy Framework.

5. 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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in any elevation on the plans hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy D2 of the Kirklees Unitary Development Plan and in accordance with the aims of the National Planning Policy Framework.

6. The buildings shall not be occupied until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies D2 and T10 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP27 of the Kirklees Publication Draft Local Plan, and Chapter 10 of the National Planning Policy Framework.

7. Before the dwelling is occupied the access road and turning facilities shall be provided in accordance with the details shown on the approved plan. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies D2 and T10 of the Kirklees Unitary Development Plan as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

8. The development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The works comprising the scheme shall thereafter be retained.

Reason: In the interests of residential and visual amenity and to accord with Policies D2 and BE12 of the Kirklees Unitary Development, Policy PLP24 of the Kirklees Publication Draft Local Plan, and Chapter 7 of the National Planning Policy Framework.

9. No development shall commence until a scheme detailing finished floor levels of the dwelling, together with corresponding finished ground levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that property have been completed.

Reason: To ensure the development is in character with its surroundings and to accord with Policies D2, BE1 and BE2 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 Councils Arboriculturalist assessed the previous proposal and advised that prior to works commencing the mature Ash Tree which stands in the garden of 25 Woodlands Close should be assessed to ensure that any works carried out do not damage the tree and to assess its impact on light levels to the conservatory. The Arboriculturalist advises that pruning works may be required to ensure that the development does not damage the tree and to increase light to the conservatory.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed elevations	111-02	-	02.01.2018
Proposed site plan	111-03	-	02.01.2018
Design and Access Statement	-	-	02.01.2018
Proposed plans	111-01	-	02.01.2018
Location plan	1:1250	-	02.01.2018

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. No amendments have been sought as the proposal is acceptable in its current form.

Report Dated: 27.03.2018