

**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: 2018/62/91672/W

Site Address: adj, 198, Yew Tree Road, Birchencliffe, Huddersfield,
HD2 2EQ

Description: Erection of detached dwelling with integral garage

Recommending Officer: Francis Davies

DECISION - REFUSED

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

Teresa Harlow

AUTHORISED OFFICER

Date: 17-Aug-2018

Officer Report

Reference: 2018/91672

Proposal: Erection of Detached Dwelling

Location: adj. 198 Yew Tree Road, Birchencliffe, Huddersfield, HD2 2EQ

Site Description

The application relates to the garden space of no.198 Yew Tree Road, a detached bungalow, constructed from random stone and designed with a gable roof, finished in concrete tiles. It is noted that the dwelling benefits from a generous amount of garden space to both the front (northwest), south (southeast) and extends to the east.

The dwelling curtilage is delineated from the adjacent highway and area of Urban Greenspace to the south by a natural stone wall approximately 1m tall. Alternatively, a recently constructed low rise wall with parapet features defined the boundary with no.196 Yew Tree road. Access to the dwelling is via a large vehicle driveway sited in the northeast corner of the plot.

Description of Proposal

The application seeks planning permission for the construction of a two storey detached dwelling. The dwelling with a turn gable feature the dwelling would form an 'L' shape making the most efficient use of available land which widens in an east to west direction.

The dwelling would have an eaves height of approximately 5.2m and a ridge height of approximately 7m. Making use of the confined nature of available land the dwelling would extend in an east to west direction by approximately 16.9m and have a width of approximately 6.8m. At the point of the turn gable, positioned immediately to the northeast of the application dwelling, the proposed dwelling would have a width of 11.7m. It is noted that the dwelling would host an integral garage, with an up and over garage door installed in the northeast facing elevation.

Proposed construction materials would be sympathetic to the surrounding dwellings, consisting of coursed natural stone. Similarly, the roof would be finished in concrete, interlocking roof tiles matching that of no.198. Proposed fenestration would be typically domestic in appearance offering white upvc windows with powder coated bi-fold doors and a garage door. Consequently, the resulting dwelling is considered to be architecturally neutral, save for corbel detailing at the eaves.

With regard to amenity space, as shown on the submitted site plans (AL 03) and Block Plan (AL 02) this would be limited, due to the scale of the considered dwelling and small plot of land to be developed. Off street parking

would be provided in the north east corner of the site, together with the integral garage, with an area of bin storage. However, the application is not supported by a swept path analysis to demonstrate how vehicle might turn in site and exit in a forward gear.

History of negotiations

Following an assessment of the application and comments from consulted parties it was advised that the concerns held over the development could not be overcome through amendments to the scheme. As such no negotiations were held regarding his application.

Relevant Planning History

2012/92091 – Erection of detached dwelling with amendments to the access (modified proposal to 2008/92281) (Conditional Full Permission)

2011/91959 – Extension to existing house to form single garage and extension to living room (Conditional Full Permission)

Representations

Final publicity date Expires: 31st July 2018

No public representations were received in respect of this application.

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 Highways - Object to the proposal
- Coal Authority – No objection

Policy

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.

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

- Access considerations - None

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE1 – Design Principles
- BE2 – Quality of Design
- BE12 – Space about dwellings
- T10 – Highway Safety
- EP4 – Noise Sensitive development

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving Sustainable Development
- PLP2 – Place Shaping
- PLP3 – Location of new development
- PLP7 - Efficient and effective use of land and buildings
- PLP21 – Highway Safety and Parking
- PLP22 – Parking
- PLP24 - Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – 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

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]'

All these considerations are addressed later in this assessment.

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, where local planning authorities should positively seek opportunities to meet the development needs of their area. The site is within an established residential area. The site could be considered as appropriate for residential development in principle; however this is subject to an assessment of scale, design, impact on visual amenity, impact on highway safety and on residential amenity. All other material planning considerations will be covered in the assessment below.

Impact on Visual Amenity

The proposed dwelling would form a part of a small residential development at the junction with Halifax road. Dwellings within this cluster consist of a variety of architectural designs ranging from bungalows to two storey, detached dwellings. The prevailing construction material is natural stone.

The submitted plans indicated that the proposed two storey dwelling would be constructed from coursed natural stone and interlocking concrete tiles, matching no.198 Yew Tree Road, thereby being acceptable. While the considered dwelling is large in scale, hosting a turn gable feature, owing to variety of housing designs this is considered to be acceptable. Rather it is noted that this particular part of the development is characterised to some small extent by large, detached dwellings. Evidently, consideration has been given to the design, ensuring that it harmonised with the character of the existing development.

However, planning officers are concerned that due to the limited amount of developable land, the proposed two storey detached dwelling would look cramped, constrained by the size of the plot. The dwelling would also stand immediately adjacent to the host dwelling, a bungalow with a large footprint and generous amount of amenity space to the front. Consequently, when viewed side by side the proposed would appear out of place, due to the

limited width of the considered plot, creating a dwelling that would dominate the host property and development on the south side of the highway.

The proposed is therefore anticipated to alter the character of the streetscene from an appropriately spaced development to a densely developed character. Overall, given the above the application is considered to be contrary to Policies D2, BE1, BE2 of the Unitary Development Plan, Policy PLP24 of the publication draft Local Plan and Chapter 2 and Chapter 12 of the National Planning Policy Framework (NPPF).

Impact on Residential Development

The application would introduce a two storey dwelling with projecting turn gable features immediately to the east of the host dwelling, offering a separating distance of approximately 3.8m. Following a site visit it is noted that the host dwelling is a bungalow with a conservatory extension to the east.

Policy BE12 of the Unitary Development Plan offers guidance in respect of acceptable distances when considering applications for new dwellings. Criteria ii of Policy BE12 advises:

'12.0m between a habitable room window of a dwelling and a blank wall or a wall containing the window of a non-habitable room'

As noted above the application would allow a separating distance of approximately 3.8m between an existing conservatory (habitable room) and the northwest facing elevation of the proposed dwelling. The proposed 3.8m is significantly below that which would be required. Equally, as a two storey development it is considered to overshadow and overbear the existing conservatory, materially harming the residential amenity currently enjoyed by the occupiers of no.198 Yew Tree road.

In respect of other neighbouring dwellings, specifically no.137 and no.139 to the north, it is noted that while separating distances are improved, they would again fall short of the 21m guidance contained within policy BE12 of the UDP. Consequently the application also raises concerns in respect of the residential amenity currently enjoyed by the occupiers of these dwellings. Furthermore, as a two storey development, constructed close to the highway and located to the south the application offers the potential to overbear and overshadow these dwellings.

In light of the above it is clear that attempts have been made by the architect to mitigate concerns of residential amenity through the positioning of principal windows, serving habitable rooms to the rear elevation (south). However, the distance achieved between the large habitable room windows of the dwelling and the boundary of adjacent undeveloped (Urban Greenspace) land is approximately 2.4m. Such distances are contrary to Policy BE12 of the UDP which advises a minimum distance of 10.5m between habitable rooms and undeveloped land. Consequently, the considered dwelling would appear to be reliant on the openness of an adjacent parcel of land for means of natural light

and space, jeopardising the amenity of future occupants. It is only in respect of the east facing elevation that the application appears to achieve adequate separation to the boundary. This again leads to the conclusion that the proposal would represent an overdevelopment of the site in that that built form is reliant upon land beyond the application site to provide an outlook for future residents.

Given the above it is advised that the proposed dwelling, by way of scale and limited separating distances, gives rise to unacceptable harm to the residential amenity enjoyed by neighbouring properties and that of any future occupiers. The application therefore fails to accord with Policies D2 (Criteria ii and v) and BE12 (Criteria I, ii and iii) of the Unitary Development Plan (UDP), Policy PLP24 of the publication draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework (NPPF).

Impact on Highway Safety

The application proposes the formation of a new access off Yew Tree Road to a vehicle driveway, serving an integral garage. As such KC Highways were consulted regarding the application.

KC Highways consider that while the application offers sufficient off-street parking, where it meets Yew Tree road, it would form an acute angle which would make turning and manoeuvring in and out of the driveway difficult. It is also noted that sight lines in both directions along Yew Tree road are sub-standard. Consequently, the application would give rise to considerable highway safety concerns.

Given the above the application is considered to contrary to Policy T10 of the UDP and Policy PLP21 of the PDLP and guidance contained within the national Planning Policy Framework (NPPF).

Other Matters

Coal Authority

KC council GIS maps indicate that the application site is located in an area of former coal mining activity that presents a high risk to development. As such the coal authority has been consulted regarding this application and a supporting coal mining risk assessment submitted in support to the scheme.

The June 2018 coal mining risk assessment, prepared by RGS Ltd suggests no undue implications on ground stability. The Coal Authority agree no further action is necessary and do not object to this scheme.

Biodiversity and Ecology

Although the application site is located within a bat alert area, it is not identified on the maps as having a bat roost. The dwelling is also well sealed and unlikely to have any significant bat roost potential. Notwithstanding this, a

note recommending that the advice of licensed bat work should be sought if any bats are found during the development. If this application is approved this note would be relayed on the applicant via the decision notice, for the proposal to comply with the guidance contained within the NPPF.

Air quality

In the interests of air quality, and to comply with West Yorkshire Low Emissions Strategy, Policy PLP24 of the emerging local plan and Chapter 9 of the NPPF, it is recommended that a planning condition be imposed requiring the installation of an electric vehicle charging point should planning permission be granted.

Representations

No public representations were received in respect of this application.

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 proposals do not accord with the development plan and that the adverse impacts of the scheme would demonstrably outweigh its benefits, including the fact that the Council cannot currently demonstrate a 5-year supply of housing land, when considered against the policies in the NPPF taken as a whole.

Recommendation - Refuse

Decision Authorisation - Delegated Powers

Application Number: 2018/91672

Officer Recommendation: Refuse

Conditions and Reasons

1. The dwelling, by virtue of its scale in relation to the size of the plot, mass and design would result in a development that would appear cramped and unduly dominant within the streetscene of Yew Tree Road. This would constitute an overdevelopment of the site which would be harmful to the visual amenity of the area and not accord with Policy D2 (Criteria ii and vi), BE1 (Criterion ii) of the Unitary Development Plan, Policy PLP24 (Criterion a) of the publication draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

2. The dwelling, by virtue of its scale and proximity to surrounding land and dwellings, including the position of habitable room windows, would cause unacceptable harm to the residential amenity enjoyed by neighbouring properties and that of any future occupiers of the proposed dwelling This would fail to retain a high standard of residential amenity and would be contrary to Policy D2 (Criterion ii,v) BE12 (Criteria i, ii and iii) of the Unitary Development Plan, Policy PLP24 (Criterion b) of the publication draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

3. The proposed means of access to the site from Yew Tree road, would result in the formation of an acute angle with Yew Tree Road, offering sub-standard sightlines in both directions, making turning and manoeuvring hazardous. This would have an unacceptable impact on highway safety. The application therefore fails to comply with Policy T10 of the Unitary Development Plan, Policy PLP21 of the publication draft Local Plan and guidance contained within paragraph 109 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Floor Plans	AL 04	-	22nd June 2018
Proposed Elevations	AL 05	-	22nd June 2018
Coal Mining Risk Assessment	J4280/18/E/CRA	-	22nd June 2018
Proposed Block Plan	AL 02	-	22nd June 2018
Proposed Site Plan	AL 03	-	22nd June 2018
Existing Site and Location Plan	AL 01	-	22nd June 2018
Planning Statement	May 2018	-	22nd June 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 negotiations were held regarding this application. The concerns held by planning officers are considered insurmountable and it is not anticipated that subsequent amendments would resolve the issues identified.

Report Dated:

14/08/2018
