

**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: 2018/60/93148/W

Site Address: adj, 102, Dunford Road, Holmfirth, HD9 2DT

Description: Outline application for erection of residential development and on site parking for nos. 100, 102 and 104 Dunford Road.

Recommending Officer: Farzana Tabasum

DECISION – Refuse outline planning permission

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: 21-Jun-2019

Officer Report

Site Description

The application red line comprises a triangular shaped plot. Dunford Road runs parallel to the east boundary and an unadopted road Swan Bank Lane runs parallel with the west boundary. This also carries the route of public right of way no. HOL/108/20. Topography of the site is such that it slopes down from east to west with a retaining wall along Dunford Road. Removal of trees had been undertaken at the site prior to my site visit. Refurbishing/renovation works were also being carried out on the existing properties within the application red line.

Description of Proposal

The application sought outline planning consent for a detached dwelling with all matters reserved and off road parking in association with existing property nos. 100, 102 & 104 Dunford Road.

Details of layout, scale, appearance and access were formally requested to be considered at outline stage and the details provided (excluding appearance) will be considered in the assessment. This is despite these details stating they are 'indicative'. These show the following:

Detached dwelling partly built into the hillside, accessed from Swan Bank Lane with a pedestrian access to the site from Dunford Road. Shown with the angle of repose to the burr wall supporting Dunford Road. Scale is over 3-storeys with lower level accessed from Swan Bank Lane. It would be 10.5m in overall height, width of the main body of the house is 6m, length 11.5m with a projecting gable facing Dunford Road 1.5m beyond the wall of the main house and 4.5m in length. In terms of layout the dwelling would be centrally placed within the plot with two parking spaces in front of the lower ground floor.

The parking spaces for nos. 100, 102 and 104 are shown to the south of the proposed dwelling and to the 'rear' of the aforementioned properties, accessed off Swan Bank Lane. These would encompass an area of 9.5m by 5m and also include a visitor parking space. They would be surfaced in tarmac.

History of negotiations/amendments received

24th Oct 2018 – formal request for layout, scale access and appearance to assess:

- Impact on the setting of the nearby listed buildings and adjacent Conservation Area
- The potential impact on the integrity of the structural stability of the existing retaining wall to Dunford Road and highway safety
- Impact on the visual amenity/street scene of the surrounding development and characteristics of the area,
- Effect on pedestrians and vehicle users of Swan Bank Lane from the intensified vehicle use of this lane which also carries a PROW

Also change in description to include on site parking of nos. 100,102 & 104 Dunford Road.

The plans submitted were again indicative plans with indicative sections along with a Heritage statement received on 09/01/19. The details submitted have been assessed as forming scale, access and layout.

A further round of publicity was carried out on receipt of this information.

Procedural Matter

The application was submitted in outline with all matters reserved on 26th September 2018. On 24th October 2018 the agent was notified, in accordance with Article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, that the application ought not to be considered separately from the reserved matters of layout, scale, access and appearance and gave reasoning for this. This is as set out in 'history of negotiations' earlier in this report.

Notwithstanding this, the information submitted 9th January 2019 still states 'indicative' although the applicant has partly complied by providing such information as was requested, excepting appearance. Furthermore the applicant has not exercised the right to appeal against this request despite more than 6-months having past. It is therefore considered that layout, scale and access are to be formally assessed and that these are not reserved for subsequent approval should the principle of development be considered acceptable. The issue of 'appearance' would remain as a reserved matter should this application be approved as the applicant has failed to comply with the formal request to submit details of appearance.

Relevant Planning History

No planning history

COMP/19/0106 - Enforcement PCN served on 12th June in relation to alleged unauthorised excavation works being carried out at the site.

Representations

Second and final publicity date expired on 25th February 2019. A total of 43 representations are received. 3 of which are in support. A summary of the concerns received is set out below:

- Highway safety concerns in relation to intensified use of the access onto Dunford Road and Swan Bank Lane (PROW)
- Loss of public amenity by increased use of PROW
- Inadequate parking for new dwelling
- Would lead to congestion on Swan Bank Lane from additional parking
- Insufficient areas within Swan Bank Lane to turn vehicles around
- No passing places on Swan Bank Lane
- No reference in the submitted documents of how it affects PROW during or post construction

- Visibility inadequate onto Dunford Road due to cars being parked in close to junction with Swan Bank Lane
- Revised parking layout would not provide adequate layout

Response: addressed in assessment below

- Potential impact on the stability of the existing retaining wall along Dunford Road

Response: following concerns in relation to ongoing works at the site and the potential impact on the structural integrity of the retaining wall adjacent to Dunford Road, the Council's Highway Structure Officers visited the site and concluded that "works were found to be largely confined to removing trees and stripping vegetation in the embankment adjacent to Dunford Road and as such the embankment and the highway burr wall supporting the road do not appear to have been adversely affected or undermined"

- There should be no obstruction to existing users of Swan Bank Court at all times
- Swan Bank Lane used frequently by vehicles/pedestrians with no scope to park construction traffic and should not be blocked off

Response: had the proposals been supported, the above could be addressed by conditions requiring details of a construction management plan and no obstruction or closing off of Swan Bank Lane which also carries a PROW

- Concerns over the loss of trees/ felled whilst TPO was being prepared
- Potential for future flooding
- Loss of wooded area and habitat for wildlife
- Out of character, oppressive outlook to properties on Swan Bank Lane & could potentially affect their privacy and light
- Insufficient information submitted to assess impact on adjacent conservation area and listed buildings. Indicative details out of character causing negative impact
- Loss of privacy to elevated properties on Dunford Road

Response: addressed in assessment below

- Potential contamination of the site

Response: The site is not on the list of contaminated sites on the councils GIS records

- Fume pollution to adjacent property from proposed parking area.

Response: This is not considered to give rise to significant concerns.

- Parking for existing dwellings should be provided on Dunford Road

Response: Noted.

- lack of publicity of application

Response: Publicising of the proposals and receipt of revised details/plans have been carried out in accordance with the Councils Development Management Charter.

NONE PLANNING CONSIDERATIONS

- Swan Bank Lane already in poor state of repair. The maintenance of which is the responsibility of residents of Swan Bank Court. The proposals would cause further damaged to this road with additional cost to owners/occupiers of Swan Bank Court.

Response: this is a civil matter to be considered by interested parties outside the remit of the application. Nonetheless, as Swan Bank Lane carries a PROW, any impact on it from the proposals or intensified use of it is likely to have resulted in a scheme of works to preserve, improve and enhance the PROW during and following construction

- Site is an eyesore due to rubble/wood/logs left over a long period and causing health and safety issues

Response: There is other legislation under the Environmental Services which can address this issue

- Works continuing to existing properties within red line, replacement windows/doors not under PD rights

Response: the renovation works to the existing properties have been considered separately to this application by enforcement officers.

- Previously properties on Swan Bank Lane were protected from elements, which no longer will be the case

Response: Noted

- disruption to existing residents during construction works if permission is granted

Response: unfortunately, as in all cases when permission is granted, there will be some element of disruption to neighbouring residents during the construction period

- people currently breaching parking restrictions on Dunford Road

Response: Noted. A police matter

Holme Valley Parish Council comments- Object to the application on the basis of:

- 1) Highways – poor sight lines.
- 2) Car parking provision and proposed access for new parking unworkable. No turning area.
- 3) Concerns regarding planning history of site as development has started and breaches of planning already (not 'permitted development' as properties classed as flats (with over and under dwellings) which are also in a Conservation Area).
- 4) Not in keeping with adjacent development (which is a Listed Building).

Response: the above issues are addressed in the assessment below

The representations in support are summarised as:

- Site should be developed as it may remain as an eyesore

Response: not a valid reason to support proposals

- The trees on site were not of any value
- Would achieve much needed housing

Response: see assessment below

- Parking for existing properties as proposed is supported & alleviate highway safety concerns from Dunford Road

Response: noted

- Wildlife from site will move to adjacent woodland

Response: noted

- Leaf litter from trees previously on site caused nuisance on Dunford Road

Response: noted, again not a valid reason to support the proposals

- Proposals in keeping with site and could be accommodated as submitted

Response: see assessment below

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 Conservation & Design –insufficient information to assess in relation to adjacent Conservation Area & do not support in principle

KC Ecology – request an ecological design strategy

KC DM Highways – insufficient information

KC Arboricultural unit – Verbal comments - trees felled prior to finalisation of formal TPO on this site.

KC PROW's - object (see assessment below)

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan and adjacent to the Underbank Conservation Area with listed buildings (106- 112 Dunford Road) in close proximity.

Kirklees Local Plan (LP):

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP11 - Housing
LP21 – Highway safety and access
LP24 – Design
LP27 – Flood risk
LP28 – Drainage
LP31- strategic green infrastructure
LP33 - Trees
LP35 – Historic environment
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 11 – Making effective use of land
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
Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

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

1 - Principle of development:

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.

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).

Recent amendments to National Planning Practice Guidance have revised the Housing Delivery Test measurement for local planning authorities and a technical note on the process used in its calculation. Results for 2018 (published 19th February 2019) show that housing delivery in Kirklees over the period 2015-2018 was 75% of the number of homes required by the test. This means that the council must produce an Action Plan within six months of the test results being published and continue to apply a 20% buffer to the five year housing land supply requirements. In summary the council can currently demonstrate a 5-year supply of deliverable housing sites, with appropriate buffer. Notwithstanding this, it is recognised that windfall sites contribute to housing delivery

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 suitability of the site is assessed below.

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 or the application of Policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (includes designated heritage assets). In this case the acceptability of developing this site for residential development and off road parking in association with existing dwellings, will be assessed against the policies in the NPPF taken as a whole and the adopted Policies of the Local Plan. Amongst other things this includes, residential and visual amenity, highway safety & the character of the area.

2 – Impact on visual amenity (including heritage):

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.

This is a prominent site being situated along a road frontage and adjacent to the Underbank Conservation Area. Until recently the site benefited from a number of mature trees which blended into the adjacent area of protected trees immediately on the opposite side of the application site on Swan Bank Lane. This also forms an area of wildlife habitat network.

This site is closely associated with the conservation area. Although there is no conservation area appraisal Underbank Conservation Area can be described as a continuation of development on steep hillside from Holmfirth Town Centre. Stone built closely knit terraced houses stacked one above the other linked by narrow roads, paths and stone retaining walls. There are listed buildings at nos. 106 and 112 Dunford Road which forms part of the terrace with nos 100,102 and 104.

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.

Policy LP 35 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.

Policy LP 24 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.

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.

A Heritage Statement has been submitted with the application. This describes the conservation area and provides the listing description for nos. 106 and 112 Dunford Road. In terms of the impact on the significance of designated

heritage assets this states that it would develop an empty plot running parallel to Dunford Road, reflecting this urban grain of Dunford Road with the retaining wall to Dunford Road retained. It suggests the detached property would be building from natural stone with an artificial stone slate roof and that the parking bays off Swan Bank Lane would be finished in tarmac; the parking bays removing parking from Dunford Road. It goes on to conclude that the development would not affect the setting of the listed building and that the site itself is surrounding by various modern developments constructed from material that are incongruous with the area. The final sentence states: “we feel a new high quality development, constructed from appropriate materials, would complement the adjacent conservation area and listed building”.

Whilst not impossible, the site is difficult to develop due to the topography, existing retaining wall along Dunford Road and the importance of this open area in entering the adjacent Conservation Area into Swan Bank Lane, contributing to the significance and character of the adjacent conservation area. The submitted plans/sections to demonstrate layout, access and scale have been assessed by the Conservation Officer, who objects to the principle of development as causing harm to the setting of the Conservation Area due to the importance of the site in relation to entering the Conservation Area. The open vista across this land, since the removal of the mature vegetation, now reveals the type of development that contributes to the special character of the conservation area: tight knit dwellings terraced houses stacked on top of one another. The erection of a large detached dwelling with projecting gable centrally placed on the site does not fit with the established character of the adjacent conservation area. The scale and layout of the dwelling would introduce an unduly dominant and incongruous feature that would compete with, rather than complement, the traditional townscape of the adjacent conservation area.

Turning to the access arrangements for both the new dwelling and the parking associated with nos. 100, 102 and 104 Dunford Road. These would all be accessed from Swan Bank Lane which also serves the route of a Public Right of Way (PROW). Swan Bank Lane is partly laid with setts and forms a tranquil access to existing properties at Swan Bank Court nestled between established woodland and an historic low drystone wall. The intensification of the use of this access to serve a large detached dwelling with garage on the lower ground floor and four parking spaces laid in tarmac removing a large section of the drystone wall would significantly harm the character and appearance of this part of the conservation area. It would create urbanising development dominated by the hard surfacing proposed. The site’s contribution to the softening of the Swan Bank Lane would be markedly diminished.

Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm. The supporting information supplied by the applicant refers to the benefits of off-road parking for properties along Dunford Road and the contribution of an additional dwelling on the site. These are afforded very limited weight. It is considered that the development would not harm the setting of listed buildings at 108 and 112 Dunford Road. This does not outweigh the harm set out in the preceding paragraphs.

In conclusion the scheme would have a harmful impact on the character and appearance of the adjacent Conservation Area which, it follows, would not be preserved or enhanced. Furthermore the development would not respect or enhance the character of the townscape in general. As such, the proposal would conflict with Section 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 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. In the context of the Conservation Area as a whole, the degree of harm would be less than substantial.

3) Impact on residential amenity:

In considering the layout, scale and access I am of the opinion that distances/levels to be achieved between the existing retaining wall along Dunford Road and that of the proposed dwelling would not provide a particularly good standard of amenity for the future residents of a dwelling but this would depend on the appearance of the dwelling and where habitable room windows might be placed. The western elevation facing Swan Bank Lane would for most part of the year experience shading & leaf litter from the adjacent Wildlife Habitat Network and afford very limited privacy to the external amenity areas proposed along two road frontages one of which carries a public right of way.

Considered in isolation, the parking spaces provided for the residents of nos 100.102 and 104 Dunford Road would be beneficial for the residents of these properties providing convenient parking - if this was possible from Swan Bank Lane.

With regards to impact on the occupiers of existing nearby dwellings, I am of the opinion the proposals would not give rise to significant harm to the amenities currently enjoyed by residents of these properties. The short term disruption caused by construction works would not be a reason to oppose the development. The additional traffic along Swan Bank Lane, would not cause undue noise and the parking spaces adjacent Swan Bank Cottage would not be dissimilar to the impact of cars passing close to the front of this property to access Swan Bank Court. Nonetheless this does not overcome the harm identified in general design terms and cramped form of development shown on the indicative drawings.

4) Impact on highway safety & PROW's

The impact of the development on highway safety has been assessed against Policies LP21 and LP22 of the Local Plan and the initial submissions documents/plans have been considered by the Highways DM Officer, who stated:

Access for both the driveway and the additional off-street spaces is to be taken off Swan Bank Lane, a narrow, cobbled lane without pedestrian facilities that constitutes part of public right of way HOL/108/20; it also leads to a small courtyard housing a number of residential properties.

The Council's Public Rights of Way department have raised concerns as the proposal indicates access onto a footpath that already serves 12 dwellings. The applicant does not indicate this is within their control for improvement.

As well as the concerns raised by PROW, Highways DM would require additional information regarding access arrangements. This was requested and further information provided

- The parking spaces for the existing properties appear too small; they would be required to be a minimum dimension of 4.8m x 2.4m.
- Under normal circumstances, a clearance of 6.0m would be required from each parking bay to allow for manoeuvring. This may require the visitor bays to encroach further still into the development. Swept path analysis of a large car accessing and egressing the bays will be required.
- Swept path analysis of a large car accessing and egressing proposed new driveway will be required.
- Details of the provision of storage and collection of waste, including the proposed path of a refuse wagon, will need to be demonstrated.
- Sight-line provision from Swan Bank Lane onto Dunford Road to be demonstrated on a plan.
- Although off-street parking for the existing dwellings is welcomed in principle, there appears to be no direct link between the bays and the houses.
- Details of how emergency and delivery vehicles will access the site is required either by swept path analysis or written statement.

Highways DM Officer's were again re consulted on receipt of revised plans and make the following comments:

Although some changes have been made a number of the details requested remain outstanding. The changes with pedestrian access to the parking spaces from Dunford Road and improved turning facilities for all the spaces are welcomed.

However, the Council's Public Rights of Way department have reiterated their concerns that the proposal indicates access onto a footpath that already serves 12 dwellings. The applicant does not indicate this is within their control for improvement.

Issues have already been raised regarding vehicular use of this PROW, so further intensification may cause concern including the condition of the PROW. As well as the concerns raised by PROW, Highways DM would still require the previously requested information listed below, regarding access arrangements:

- Swept path analysis of a large car accessing and egressing the bays will be required.
- Swept path analysis of a large car accessing and egressing proposed new driveway will be required.
- Details of the provision of storage and collection of waste, including the proposed path of a refuse wagon, will need to be demonstrated.
- Sight-line provision from Swan Bank Lane onto Dunford Road to be demonstrated on a plan.
- Details of how emergency and delivery vehicles will access the site is required either by swept path analysis or written statement.

As noted above, Highway Officers, requested a variety of information, including details of the provision of storage and collection of waste and the proposed path a refuse wagon will take. Nevertheless, it is acknowledged servicing of the properties of Swan Bank Court is taken off this unadopted road which would require the service vehicle to drive down Swan Bank Lane, turn around within the car park area at the bottom and drive back up at which point the new dwelling could be serviced.

All other information requested by Highway Officers would be required to make a thorough assessment. The proposals have not demonstrated vehicles could adequately access and egress the proposed parking bays for the existing dwellings and new drive for the proposed dwelling, nor do the submission documents provide sight line provision from Swan Bank Lane onto Dunford Road and how emergency and delivery vehicles will access/serve the site.

The request for further information has not be completely fulfilled and as such does not provide enough information to make a full highways assessment of 'access'.

In summary, the proposals would intensify the use of this un adopted narrow, cobbled lane carrying a public right of way. There are no pedestrian facilities between the site and Dunford Road. The information provided has failed to demonstrate that the development proposed, which would intensify the use of Swan Bank Lane, could be undertaken without having an unacceptable impact on highway safety of Swan Bank Lane – including users of the public right of way. The development would be contrary to Policy LP21 of the Kirklees Local Plan and paragraph 109 of the NPPF.

5) Other matters:

The proposals impact on ecology needs to be considered in relation to Policy LP30 of the Local Plan and Chapter 15 of the NPPF.

The application site lies adjacent to a wooded area identified as a Kirklees Wildlife Habitat Network (KWHN) which identifies elements of the existing ecological network, and within the Kirklees Bat Alert layer. Therefore there would have been potential for the habitats present on site to support protected and priority species. The site has been cleared of the mature trees and disturbed from its previous form as such it would be sufficient to condition that an ecological design strategy should the application have been supported to accord with Policy LP30 of the Local Plan and guidance in the NPPF.

Trees:

The Council was in the process of serving a tree preservation order (TPO) notice, on interested parties for the trees on this site on receipt of the planning application but the trees were legally felled before the TPO was legally served. There are no trees on the site.

Air quality:

Should the application have been supported, a condition requiring an electric vehicle recharging point would have been imposed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance, to encourage low carbon forms of transport in accordance with the guidance contained in chapters 9 and 12 of the National Planning Policy Framework and Policies LP24 & LP52 of the Kirklees Local Plan.

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.

The proposal is considered to cause an overdevelopment of the application site, to the detriment of the area's visual amenity and the amenity of the future occupiers of the dwelling.

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 application of policies in the NPPF that protect area or assets of particular importance provide a clear reason for refusing the development proposed.

Recommendation – refuse outline

Decision Authorisation - Delegated Powers

Application Number:2018/93148

Officer Recommendation: Refusal

Reason for Refusal

1. The proposed dwelling, by reason of its layout and proximity to established protected woodland to the west of the site, would lead to a

poor standard of amenity for future occupiers due to shading and debris from leaf litter. This would be contrary to Policy LP24(b) of the Kirklees Local Plan and paragraph 127 of the National Planning Policy Framework.

2. The layout, scale and access/parking arrangements of the new dwelling and the proposed parking spaces to the south of the site, would have a harmful impact on the character and appearance of the adjacent Underbank Conservation Area which, it follows, would not be preserved or enhanced. Furthermore the development would not respect or enhance the character of the townscape in general. As such, the proposal would conflict with Section 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 and 16 of the National Planning Policy Framework 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.

3. The development would result in an increase in the use of Swan Bank Lane which has no pedestrian facilities between the site and Dunford Road. Furthermore it has not been demonstrated that:
 - vehicles could adequately access and egress the proposed parking bays and new drive,
 - adequate sight line provision can be provided from Swan Bank Lane onto Dunford Road, and
 - emergency and delivery vehicles can access the site

The development would have an unacceptable impact on highway and pedestrian safety contrary to Policy LP21 of the Kirklees Local Plan and paragraph 109 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2562 - LOC		01/10/18
Revised indicative site layout	2562- 01B		09/01/19
Indicative sections	2562- 03		09/01/19
Indicative site sections	2562- 02 A		09/01/19
Planning statement			01/10/18
Heritage statement			09/01/19

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. Following receipt of additional plans, the agent was advised of the recommendation to refuse the development in principle. Given this the applicant was not approached again for further information in respect of the scheme. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area.

Report Dated:

18/06/19