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: 2019/62/92056/W

Site Address: adj, 12, Rose Mount, Birkby, Huddersfield, HD2 2BU

Description: Erection of detached dwelling with integral garage

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 30-Aug-2019

Officer Report

Site Description

Adjacent 12 Rose Mount, Birkby, Huddersfield, HD2 2BU

The application site forms an area of garden located between numbers 9 and 12 Rose Mount at the end of the cul de sac. The land slopes gently from the west to the east. The site frontage has a stone wall that extends round the turning head. The existing site is covered in lawn and shrubbery with a number of mature trees within the site boundary.

Access to the site is currently via number 12.

The site is located in a residential area characterised by 2 storey large detached dwellings in a combination of modestly sized and large gardens.

Description of Proposal

Erection of detached dwelling with integral garage

The application is a full application for the erection of a two storey detached dwelling with integral garage. The accommodation includes 5 bedrooms, one being constructed in the roof space and served by rooflights/small windows and the remaining on the first floor. At ground floor level there is kitchen and large dining area, snug, lounge and utility plus the integral garage.

The footprint measures approximately 15 metres x 10 metres with a height to the ridge of 9.15 metres.

Materials of construction include predominantly render facing with rosemary tile roof and some natural coursed stone.

History of negotiations/amendments received

Amended plans received handing the dwelling proposed.

Requested a site section which was received on the 21st August 2019.

Relevant Planning History

The site to the north has received outline planning permission for the erection of 2 dwellings. The most recent being a 2004 application.

Representations

Final publicity date Expires: Readvertised due to handing of the dwelling, expired 29th August 2019

No comments 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 Highways: No objections
- KC Environmental Health: No objections
- KC Arboricultural Officer: No objections

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.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP7** – Efficient and effective use of land and buildings
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP33** – Trees
- **LP35** – Biodiversity and geodiveristy

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 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-design places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, Paragraph 11 of the NPPF sets out what this means for decision taking as follows:
c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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. Furthermore Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment. Paragraph 122 states that planning decisions should support development that makes efficient use of land. It is stipulated that the development should continue to contribute to the area's prevailing character and setting (including residential gardens). Development should be well designed, attractive and secure healthy places (para 122 (e) of the NPPF)). The development of the site for a single dwelling would make a modest contribution to the supply of housing where there currently is an overall insufficient 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 Kirklees Local Plan was adopted within the last 5 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). The delivery of residential development of the site would be in accordance with Policy LP11 of the Kirklees Local Plan.

Chapter 5 of the NPPF clearly identifies that Local Planning Authorities 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 a contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites Local Planning Authorities should…..support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes. The development site forms a reasonable size plot within a residential area. Although the Local Planning Authority can demonstrate a five year land supply the development of this windfall site, the construction and occupation for one dwelling would contribute to housing delivery and as such can be supported.

Urban Design issues:

New development should sit comfortably within its surroundings and respect the prevailing pattern of existing responding to local character and design standards. Chapter 12 of the NPPF emphasises the importance of good design. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

The application shows a large detached two storey dwelling which sits comfortably within the space subdivided from the existing garden area. The scale and layout works well within the plot maintaining space to the site frontage and at an angle that continues the existing form wrapping round the turning head. The height corresponds to surrounding development as demonstrated by the site section as proposed.

Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that developments are visually attractive, sympathetic to local character and history and establish a strong sense of place (paragraph 127). Policy LP24 reiterates these points adding that the form, layout and details should respect and enhance townscape. Development should provide a high standard of amenity for future and neighbouring occupiers and maintain appropriate distances between buildings

The footprint and general external design and appearance ensures that the development is both sympathetic to local character and integrates well with its surroundings. The inclusion of projecting bay windows and small dormer is reflective of the general design in the vicinity and thereby ensures that the development contributes positively to the local character which reflects aspects of the residential form of the area.

Being completed of materials to match buildings in the local area it is considered the development will blend well with its surroundings and complement the character of the area. It is considered that the development would meet the aims of chapter 12 of the NPPF by contributing positively to the surrounding area and would also be in accordance with Kirklees Local Plan Policies LP2 and LP24.

Residential Amenity

Policy LP24 is relevant when assessing the impact of development. Proposals should promote good design, providing a good standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances for between buildings.

The location of the building proposed is such that it is set at a level similar to those immediately adjacent. The shape of the footprint and layout within the site retains space around the dwelling reducing any potential impact on adjoining occupants. Habitable room windows are located in the front and rear

elevations with secondary and non-habitable to the sides. It is a common characteristic of existing development that windows are accommodated in the side elevations of the dwellings. The proposed building incorporates a similar design and, due to the size of these windows and relationship to other land, it is not considered that they will result in a material loss of privacy. Bedroom 5 contains a small side window which is shown to be approximately 7 metres from the boundary with the neighbour. Due to the close relationship it is considered that this should be obscurely glazed. Natural light will still penetrate the room due to the inclusion of roof lights in addition to the small side window. Due to the juxtaposition of the dwelling to existing properties it is not considered that the development would result in any undue loss of privacy to any adjoining occupant. Any direct relationship between windows would be avoided due to the angles achieved.

The topography of the site, positioning and space retained, in addition to the retention of trees, prevents a loss of amenity to any adjoining occupants. Being at a scale similar to existing the buildings and due to the location within the plot the proposed dwelling will not be overbearing. Furthermore the agent has submitted a section through the site that shows development to be naturally stepped down within the plot. This demonstrates that the building sits comfortably within the site without undue detriment to adjoining occupants. Due to the space remaining and proximity to neighbouring properties it is not considered necessary to remove Permitted Development rights for extensions, however it is considered appropriate to remove rights for further openings at ground floor in the side elevations as such a condition is imposed.

It is not considered that the scale, layout and design will result in any loss of amenity to any existing occupants. The dwelling includes ample amenity space for both existing and future occupants. It is considered that the scale, design and layout of development accords with the aims of policy LP24 (b) and (c) of the Kirklees Local Plan in terms of residential amenity and as such is acceptable.

Highways:

The application site is located at the end of Rose Mount which is a residential cul-de-sac with access from Birkby Hall Road.

The plans show that the proposed dwelling will have a substantial double garage with a driveway to the frontage.

Sufficient off-street parking facilities are shown to be provided.

Consultation has been carried out with Highways Development Management who consider the principle of development to be acceptable.

The details, with the inclusion of conditions, are considered acceptable from a highway safety and efficiency perspective, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan. The conditions include the use of permeable surfacing for the driveway. This would also mitigate against flood

risk from an increase in surface water run-off in accordance with Chapter 14 of the NPPF.

Other:

Trees:
There are a number of mature trees within the site and within the remaining curtilage. Information has been provided in order to demonstrate that the development can be erected without prejudicing the trees. The arboricultural officer has requested that the arboricultural method statement submitted be conditioned to ensure continued protection of the trees and to accord with Policy LP33.

Ecology:
Other than the trees which are to be retained the site does not support important ecological features, therefore significant ecological harm is unlikely – satisfying LP 30(i).

In order to demonstrate a biodiversity net gain required under LP 30 (ii) and (v) further info is required. A condition is necessary in this respect for further enhancement.

Sustainable Transport:
In order to mitigate impact on air quality and in accordance with the West Yorkshire Low Emissions Strategy Policies LP24 and LP51 of the Local Plan development proposals such as this should aim to include sustainable transport methods. As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to this matter.

Pre-Commencement conditions
A draft list of conditions, including pre-commencement conditions was forwarded to the agent and agreed in writing.

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: 2019/92056

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 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 LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.
a. Purpose and conservation objectives for the proposed ecological works.
b. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
c. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
d. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
e. Details of maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with policy LP 30. This is pre-commencement to ensure detailed designs are available to enable implementation as part of the construction programme.

4. The dwelling shall be externally faced in white render with rosemary tile roof and natural coursed stone detailing in accordance with the submitted details before first occupation and shall be retained thereafter.
Reason: In the interest of visual amenity and to ensure that the materials do not detract from the character of the area and to accord with Policy LP24 of

the Kirklees Local Plan and advice within the National Planning Policy Framework.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side facing walls of the dwelling hereby approved at any time without the prior written approval of the local planning authority.
Reason: So as not to detract from the amenities of adjoining occupants by reason of loss of privacy or overlooking and to accord with Policy LP24 of the Kirklees Local Plan.

6. Prior to the occupation of the dwelling, an electric vehicle recharging point shall be installed within the curtilage of the dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point shall thereafter be retained.
Reason: So as to promote infrastructure which encourages modes of transport with low impact on air quality as outlined within the Planning Practice Guidance, Policies LP24 and LP51 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy

7. The dwelling shall not be occupied until all areas of hardsurfacing on the approved site plan, including the access and driveway, have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency' 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 or as amended or any successor guidance. These areas shall be thereafter retained with a hardened and drained surface in accordance with the aforementioned guidance.
Reason: In the interests of amenity and mitigate flood risk in accordance with Policy LP24 of the Local Plan and Chapter 14 of the National Planning Policy Framework.

8. With the exception of tree T7 and group G5 the development shall be carried out in complete accordance with the Arboricultural Method Statement reference 190424 MS.
Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan.

NOTE:
With regards to condition 9 tree T7 and group G5 are not worthy of protection due to their condition.

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.

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.
Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	2588 01		18th June 2019
Existing Site Plan	2588 01		18th June 2019
Site Plan as proposed	2588 02 A		18th June 2019
Plans and Elevations as proposed	2588 03 A		26h June 2019
Site Section as proposed	2588 05		21st August 2019
Arboricultural Impact Assessment	190424 AIA		18th June 2019
Arboricultural Method Assessment	190424 MS		18th June 2019

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. A site section was required in order to allow Officers to assess the scale and relationship to existing development. A draft list of conditions, including pre-commencement conditions, was forwarded to the agent and agreed in writing.

Report Dated: 21st August 2019