

**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: 2019/62/92163/E

Site Address: adj, 12, Brook Meadows, Denby Dale, Huddersfield,
HD8 8GW

Description: Erection of detached dwelling

Recommending Officer: Josh Kwok

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: 10-Dec-2019

Officer Report

Site Description

This application relates to land adjacent to no.12 Brook Meadows, Denby Dale. The site is currently under construction with a stone wall erected to the western boundary. It also appears to be excavated to form a flat surface. There are construction materials and debris located at the site. The site is screened from the neighbouring residential properties by an evergreen hedge and close-boarded fencing at the northern and southern boundaries respectively.

The site and its immediate surroundings forming Brook Meadows are purely residential characterised by three storey stone built terraced properties. The land level drops gradually from the north to the south with all properties on Withyside elevated from those on Brook Meadows.

Description of Proposal

Planning permission is sought for the erection of a two storey detached dwelling. The details of the development proposal are outlined as follows:

- 10.6m wide x 9.0m deep x 8.9m high
- The facing and roofing materials to be natural coursed stone and modern tiles
- The dwelling would consist of 5 bedrooms
- Parking and turning area provided at the rear of the dwelling
- Garden area available to the side and the rear

This application is a resubmission of a previous application that seeks permission for the erection of a two storey detached dwelling. The design and layout of the dwelling has been amended to allow a more efficient use of the site. The attic space has been converted to form two bedrooms as well. The acceptability of the amended proposal is assessed in the following sections of this report.

History of negotiations / amendments received

The applicant has been requested to amend the red line boundary to match that of the previous application. A location plan with an amended red line boundary was received on 30-Aug-2019. Certificate D has also been submitted as a result of the amendment to the red line boundary. Photos of construction materials have also been provided to avoid the need for imposing a pre-commencement condition in this respect. No further details / amendments have been sought thereafter.

Relevant Planning History

2019/90482 – Non-material amendment to previous permission 2015/91953 for erection of detached dwelling (adj, 12 Brook Meadows) – Refused

2016/93075 – Discharge condition 13 (highway works) on previous permission 2015/91953 for erection of a single detached dwelling (adj, 12 Brook Meadows) – Approved

2016/90546 – Discharge condition 4 (walls/ fences) and 12 (floor levels) on previous permission 2015/91953 for erection of a single detached dwelling (adj, 12 Brook Meadows) – Approved

2015/91953 – Erection of a single detached dwelling (adj, 12 Brook Meadows) – Approved

Representations

This application was advertised by site notices, neighbour letters and news adverts, which expired on 22-Nov-2019. As a result of the above publicity, no representations have been received from the occupants of the neighbouring residential properties.

Denby Dale Parish Council – Confirmed ‘no objections’

Consultation Responses

KC Highways DM – no objection to the proposed development as the impact of which would be no greater than what has already been approved at the site in 2015. The details of the vehicle access submitted in 2016 were considered acceptable from a highway safety perspective and thus discharged. The Public Right of Way (PROW) officer confirms that the footpath abutting the western boundary of the site has been diverted and there are no pending issues in terms of access. Given the proposed access is nearly the same as the approved one, KC Highways DM consider there would be no additional impact on highway safety, efficiency and parking.

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 (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 3** – Location of new development
- **LP 20** – Sustainable travel
- **LP 21** – Highway safety and access

- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 9** – Promoting sustainable transport
- **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

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:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The application site is situated within the settlement boundary of Denby Dale and surrounded by residential properties. There are local shops, services and

public transport in the vicinity of the site. For these reasons, the site is considered to be in a sustainable location that is suitable for residential development. Additional to this consideration, officers acknowledge that site in question has already had planning permission granted for the erection of a single detached dwelling. This is a material consideration for assessing the principle of the current proposal.

The application site is currently vacant, which does not represent an effective use of land with regard to chapter 11 of the NPPF. Consideration shall be given to chapter 5 of the NPPF that requires local planning authorities to deliver a sufficient supply of homes. The proposed development would help achieve the aims in the NPPF as well as in the KLP in terms of housing delivery. Taking all the above factors into account, officers conclude that the principle of development as proposed can be acceptable. It would comply with policies LP1, LP2, LP3 and LP20 of the KLP and chapters 2, 5, 9 and 11 of the NPPF.

2 – Impact on visual amenity:

The height of the dwelling would be increased slightly from 8.2m as approved in 2015 to 8.9m as proposed as part of this application. The footprint of the proposed dwelling would be comparable to that of the approved one. A street view drawing has been submitted to show that the height of the proposed dwelling would be no greater than that of the adjoining dwellings, no.10 Brook Meadows and no.6 Withyside. It is considered, on the basis of the above, that the scale of the development as proposed is acceptable from a visual amenity perspective.

The application form indicates that the proposed development would be constructed in natural coursed stone and modern roof tiles. These materials have already been used in the construction of the nearby residential properties. They also appear to be the same as the materials of the approved development in 2015. As such, the materials of construction as proposed would be appropriate in terms of visual amenity. To ensure a satisfactory appearance of development on completion, a condition would be imposed to specify the materials of construction and requires them to be retained thereafter.

The built form of the proposed dwelling would be fairly similar to that of the approved one. Whilst noting the increase in ridge height and the relocation of garden room to the side of the dwelling, officers are satisfied that the development under consideration would still be in keeping with the surrounding development in respect of its scale, design, layout and materials. There would also be a reasonable separation distance between the proposed dwelling and the adjoining dwellings to avoid the creation of a cramped built environment. Accordingly, the proposal would relate appropriately to the surrounding development in character.

The proposed site plan shows that the application site would be enclosed by a close boarded timber fence, a natural stone wall with timber fence above and

a natural stone retaining wall. The boundary treatment proposed is nearly identical to that approved under the previous discharge of condition application 2016/90546. On the day of the site visit, it was noted that part of the boundary treatment has already been installed. Officers are satisfied on the basis of the submitted information and the site visit observations that the proposed boundary treatment would be appropriate in the context of this area and would comply with the aims of policy LP24 of the KLP. Given all buildings in this area are relatively uniform in appearance, it is considered necessary to remove the permitted development rights for the erection of extensions and outbuildings to preserve the local character in line with policy LP24 of the KLP. This condition would also be necessary to avoid the overdevelopment of the application site.

In summary, subject to the condition recommended above, officers are satisfied that the proposal would be acceptable in terms of its scale, design, layout and materials. It would be in keeping with the appearance of the existing residential development and the character of the surrounding area. There would be no adverse impact on the amenity of the street scene. The proposal would conform to policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposal would inevitably have an impact on the living conditions of the occupants of the neighbouring residential properties at nos.10 and 12 Brook Meadows, no.6 Withyside and no.6 Glithwaites Lane. The impact on these neighbouring occupiers are considered in the following.

In relation to no.10 Brook Meadows

No.10 Brook Meadows is a three storey end terraced property with its gable wall facing towards the application site. It does not appear to have any side facing window. The site plan shows that the proposed development would roughly align with this neighbouring property. There would be a separation distance of approximately 7.3m between the two properties concerned. The dwelling would have two windows facing the gable wall of no.10. These windows are non-habitable room windows serving a restroom and landing. On the basis of the submitted information, officers are satisfied that there would be no undue overshadowing, overbearing and overlooking impact on the occupants of this property. Furthermore, these neighbouring occupants would still have a relatively open view to the north-east and they would still therefore receive a sufficient amount of daylight and sunlight.

In relation to no.12 Brook Meadows

The proposed dwelling would set at a right angle to no.12 Brook Meadows. Its main elevation would face towards the parking area of this dwelling. A separation distance of approximately 9.0m would be retained between these two properties. This is considered adequate to address the overlooking impact of the development proposal. Furthermore, given the angled relationship as

mentioned above, the proposal would not result in a direct overlooking relationship with this neighbouring property.

The parking area of this property, as well as others, are already readily visible from various public viewpoints. Hence to accept the proposal would not give rise to additional privacy issues to these neighbours. In terms of overshadowing and overbearing, it is not considered to be significant when taking into account the separation distance between the two properties in question.

In relation to no.6 Withyside

No.6 Withyside is a two storey semi-detached property to the north of the application site. It is situated on elevated ground. The proposed dwelling would be 4.8m from the shared boundary at the closet point. There would be a gap of roughly 7.0m between the two dwellings concerned. Although the development as proposed would be fairly close to the site boundary, it would not unduly prejudice the living conditions of these neighbouring occupiers by ways of overshadowing and overbearing as it would be situated at a lower land level. The gable wall of the proposed dwelling would be 12.9m away from the bedroom windows of this adjoining dwelling as well. For these reasons, the development proposal would not result in an oppressive view from these windows. Due to the difference in land levels, this neighbouring property and its garden would still receive a sufficient amount of sunlight and daylight irrespective of the development as proposed.

The dwelling as proposed would have a garden room to the side window with full height windows facing this neighbouring site. Nonetheless, the view from these windows would be obstructed by the hedges at the shared boundary. The land level difference would also minimise the overlooking impact to a degree. On this basis, officers are satisfied that the proposal would not harm the privacy of these neighbouring occupants.

In relation to no.6 Glithwaites Lane

There would be no unacceptable impact on the occupants of this neighbouring property as the proposed development would be situated a reasonable separation distance from this property. The submitted site plan shows that there would be a close boarded fence separating the application site from this neighbouring site too. This would adequately address the privacy issue of the development.

Conditions

The site would be screened from its immediate surroundings by a close boarded fence, hedge and stone wall. These would further minimise the overlooking impact of the development proposal on the neighbouring occupiers. To ensure the privacy of neighbouring occupiers are adequately protected, a condition shall be imposed to require the boundary treatment as

shown on the proposed site plan be installed before the dwelling is first occupied and thereafter retained.

In all, with the inclusion of appropriate conditions, the development proposal would not unduly harm the living conditions of the occupants of the neighbouring residential properties nor would it contravene the aims of policy LP24 of the KLP or the NPPF. The proposal is considered acceptable from a residential amenity perspective.

4 – Impact on highway safety:

The site would be served by a new driveway that would extend to the side of the dwelling and provide two parking spaces at its head. There would be additional space along the driveway to provide sufficient space for the parking of two further vehicles. This parking arrangement is acceptable subject to a condition requiring all areas for parking and turning to be surfaced and drained in accordance with the relevant guidance from the Environment Agency.

The proposal is for the erection of a single dwelling and as such it is not considered that there would be a significant intensification of the existing Brook Meadows to justify refusal of the development. The displacement of parked vehicles from the existing turning head would allow the highway to return to its original function. Furthermore, one dwelling in this location has previously been deemed acceptable from a highway safety perspective.

Given the fact that the proposed access and parking arrangements would be nearly identical to those of the approved proposal in 2015, KC Highways DM have no objection to the development proposal. There is considered to be no greater impact on highway safety, efficiency and parking, over and above that of the previous approval and the proposal is considered to comply with policies LP21 and LP22 of the KLP and chapter 14 of the NPPF.

Condition 13 of the previous permission relating to the installation of a footpath barrier which was imposed by members of the committee as it was considered necessary to ensure the safety of pedestrians using the footpath. Since the granting of the 2015 permission, the applicant has applied to divert the footpath, which the PROW officer advises has been approved. In light of the change in circumstances, it is considered that condition 13 is no longer required as there has already been alternative measures adopted to protect the footpath users.

To encourage the use of electric and low emission vehicles, a condition shall be imposed to require an electric vehicle charging point be provided within the application site before the dwelling is first occupied. Subject to this condition, the proposal would be compliant with the aims of policy LP24 of the KLP and chapter 14 of the NPPF in regard to air quality.

5 – Other matters:

Ecology

The application site is situated within the bat alert layer. The KC Ecology & Biodiversity Officer was consulted on the previous application in 2015 and advised that the site provided very limited ecological benefit and therefore raised no objection. In order to provide mitigation and enhancement measures, it is considered that conditions requiring the installation of a bat box and swift box are imposed, as with the previous scheme.

The inclusion of conditions as recommended would ensure that the proposal would improve biodiversity within the local area, complying with policy LP30 of the KLP and chapter 15 of the NPPF.

Drainage

The application form states that the surface water would be disposed to main sewer; this would not strictly comply with the hierarchy of drainage option set out in policy LP28 of the KLP. Notwithstanding this consideration, officers acknowledge that the drainage option as proposed is the same as that of the proposal approved in 2015. Given this application only seeks minor amendments to the design of the proposal and not to increase the footprint of development, it is considered that the proposed drainage option can be, on balance, acceptable on this occasion with regard to policy LP28 of the KLP.

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

6 – Representations:

No representations received as a result of the statutory publicity.

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.

In this case, officers consider that the proposal would comply with the NPPF by meeting the identified need for housing, making effective use of land and promoting sustainable transport. The proposal would also fit with the relevant policies in the KLP. It is considered on the basis of the above that the proposed development would help achieve a net gain across the three planning objectives as identified in the chapter 2 of the NPPF.

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: 2019/92163

Officer Recommendation: Approve

Conditions and Reasons

1. 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 Policies LP21, LP22 and LP24 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

2. The dwelling hereby approved shall be constructed in regular coursed natural Yorkshire stone from Johnson Wellfield and concrete interlocking tiles from Russell Galloway and thereafter retained.

Reason: In the interests of visual amenity and to ensure a satisfactory appearance of development on completion in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The boundary treatment of the dwelling hereby approved shall comprise a close boarded fence along the southern and eastern boundary, a 1.5m high natural stone retaining wall at the northern boundary and a 0.9m high natural stone wall with fence at the western boundary as shown on the approved site plan no.BM02. The dwelling hereby approved shall not be occupied until the boundary treatment has been installed in accordance with the approved plans and thereafter retained.

Reason: To avoid harm to the living conditions of the occupants of the neighbouring residential properties at no.6 Withyside and nos.10 and 12 Brook Meadows by reason of overlooking in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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

Reason: In the interest of highway safety and parking and to ensure that all parking and turning areas are appropriately surfaced and drained in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Notwithstanding the submitted plans and information, a multi-chamber swift nest box shall be installed, integral to the new build, on a north facing wall at least 6 metres from the ground and not located above windows or doors, before the dwelling is first occupied and thereafter retained.

Reason: To mitigate the impact of the development proposal and so as to achieve enhancement to biodiversity in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Notwithstanding the submitted plans and information, one bat box, in the form of a Schweglar type 1FR bat box shall be installed integral to the new dwellings, on a south facing wall, at least 4 metres from the ground and not located above windows or doors, before the dwelling is first occupied and thereafter retained.

Reason: To mitigate the impact of the development proposal and so as to achieve enhancement to biodiversity in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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

Reason: In the interest of visual and residential amenity, to preserve the character of the surrounding area and to avoid the overdevelopment of the application site in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

8. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of Chapter 15 of the National Planning Policy Framework.

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

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed elevations	BM04		27-Jun-2019
Location plan	BM01		27-Jun-2019
Proposed site plan	BM02		27-Jun-2019
Proposed floor plan	BM03		27-Jun-2019
Design and access statement			27-Jun-2019
Proposed site section	BM05		27-Jun-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. In this case, the applicant was requested to amend the red line boundary and serve appropriate notice and submit amended certificates. In addition, the applicant was asked to provide further details regarding the materials of construction. On the basis of the

amended plans and drawings, along with the additional details, officers are satisfied that the proposal is acceptable with the inclusion of the conditions set out on this decision notice.

Report Dated: 02-Dec-2019