

**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: 2020/60/93699/W

Site Address: site adj, 13, Cuckoo Lane, Honley, Holmfirth, HD9
6AS

Description: Outline application for erection of one dwelling (within
a Conservation Area)

Recommending Officer: Ellie Worth

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.**

Neil Bearcroft

AUTHORISED OFFICER

Date: 08-Mar-2021

Officer report

Site description

The site relates to land adjacent to 13 Cuckoo Lane an end terrace listed building. The land slopes away from the boundary with the main road, then drops down to the gardens of the properties in which face onto Thirstin Road. Boundary treatment consists of retaining stone walls.

13 Cuckoo Lane is a Grade II listed building (Historic Ref: 1134891) with the following description: *End of short terrace. Early C19. Hammer dressed stone (part rendered). Stone slate roof. Two storeys and attic. North-west elevation: Ground floor: one 5-light stone mullioned window. Modern porch to right. First floor: one 7-light stone mullioned window with centre light blocked. Attic: one 4-light stone mullioned window with small lights, 2 blocked.*

Surrounding the area is a mix of building and uses with residential, commercial and educational buildings present. The common construction material is stone. The site is also situated within Honley Conservation Area on the Kirklees Local Plan.

Description of development

The applicant is seeking outline permission for the erection of one detached dwelling. Permission is also sought for access and layout with all other matters reserved.

An indicative site plan has been provided, along with a design and access statement.

History of negotiations/amendments sought

The submitted plans raised significant concerns with regards to the principle of having a new dwelling within this location and the impact in which it would have on the conservation area, trees along with visual and residential amenity. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. As there were multiple issues, these were considered too significant under this application. As such, amended plans have not been sought.

Relevant Planning History

At the application site:

2020/91015 - Outline application for erection of 3 apartments (within a Conservation Area) - Refused

2009/93007 – Listed building consent for formation of driveway and off road parking – Refused and appeal dismissed

2007/93728 – Listed building consent for internal alterations and formation of new window openings (within a conservation area) - Granted

2006/92497 – Listed building consent for construction of external staircase, rebuild external wall with formation of new door and windows, take off and

relay existing stone slates, new external staircase and internal alterations (within a conservation area) – Granted 2006/91356 – Listed building consent for rebuilding wall and alterations to roof. Erection of external staircase and internal alterations (within a conservation area) – Refused 2005/93591 – Outline application for erection of detached dwelling with parking (within curtilage of a listed building within a conservation area) – Refused and appeal dismissed 2004/93564 – Outline application for erection of one dwelling with integral garage (within conservation area) – Refused

Neighbouring properties:

2006/93221 – Erection of first floor extension – Granted (12 Thirstin Road)

2006/90686 – Erection of first floor extension and room in roof space (within a conservation area) – Granted (14 Thirstin Road)

2013/93470 Works to Tree(s) within a Conservation Area – Granted (14 Thirstin Road)

2004/95464 – Erection of single storey rear extension (within a conservation area) – Granted (16 Thirstin Road)

2005/90994 - Erection of single storey extension (within a conservation area) – Granted (18 Thirstin Road)

Various planning and a tree works application at Honley Liberal Club

Representations

The application was advertised by site notice, neighbour notification letters and the press. Final publicity expires: 16th December 2020

As a result of the above publicity, 12 representations in objection have been received. A summary of these concerns has been set out below:

Residential amenity

- Loss of privacy at neighbouring properties
- Overbearing and overshadowing on neighbouring amenity

Highway safety

- The surrounding streets are already congested and could potentially cause safety issues for children and parents around school times
- The local highway network cannot cope with anymore development
- The road is already very narrow
- The building of the property would create accidents with delivery lorries etc.

Visual amenity and heritage

- The development would not compliment the other buildings within the Conservation Area
- The ambience of the area will be spoilt along with the loss of an old historical wall
- Contrary to Policy LP35 of the KLP
- The wall has been there for over 100 years
- A building so close to the listed property would degrade its setting
- Overdevelopment of the site

- The application does not give consideration to the listed status of no. 13

Trees

- The works will impact upon a number of trees on site
- The loss of the trees will ruin the wildlife

General concerns

- The ground beneath the site falls away and is unsuitable for further development
- Any further development could result in the destabilising of the retaining walls.
- The dwelling would block views across the village and from Cuckoo Lane.
- The importance of views are emphasised in the Kirklees Householder Design Guide
- This application has already been refused, as it will affect the listed wall and the trees around the area
- Objections to the scheme in principle
- Discrepancies in the design and access statement
- Offers have been put in to use the garden as a community allotment

Holme Valley Parish Council: Object because the site is within the curtilage of a grade 2 listed building and will have a detrimental impact on the environment.

Local ward councillors:

Councillor Greaves: In objection to the scheme for all the reasons set out in 2005, 2009 and the 2020 applications. The design and access statement also contains a wide range of factual errors.

Consultation responses:

KC Trees (formal): The proposal will likely result in the loss of all the trees on the site, whereby no tree information has been provided. For these reasons the proposal fails to comply with Policies LP33 and LP24i of the Kirklees Local Plan.

KC Highways DM (formal): Given that sufficient off-street parking is proposed, no objections have been raised.

KC Environmental Health (formal): Given the sites close proximity to Honley Liberal Club, consideration will need to be given to noise disturbance. As such, a noise report would be required before construction commences in the case of an approval.

KC Conservation and Design (formal): No assessment of the harm on the adjacent Listed Building or the Conservation Area has been provided, along with no public benefits. As such, officers are unable to support this application.

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 located within Honley Conservation area on the Kirklees Local Plan

Kirklees Local Plan

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP33 – Trees
- LP35 – Historic Environment
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Neighbourhood Development Plans

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Protecting and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

National Design Guide.

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 highways
5. Other matters
6. Representations
7. Conclusions

1.Principle of development

(Conservation Area)

The site is located within Honley Conservation Area and the proposed dwelling would be within the historic curtilage of a Grade II Listed Building (Historic England ref: 1134891). Therefore, Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings or land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”. This harm, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district.

Background

In this instance the site has been subject to previous outline applications for one dwelling with an integral garage (2004/93564 and 2005/93591) and for the erection of 3 apartments (2020/91015). In this case, the most recent application 2020/91015 was refused on the following grounds:

1.The development proposed, by reason of its layout and access arrangements and by developing land which is currently open and contributes to the character of the area, would fail to preserve or enhance the character or appearance of Honley Conservation Area. Furthermore, it would detract from the setting of the adjacent listed building at 13 Cuckoo Lane by occupying a substantial part of its historic curtilage whilst obscuring the principal elevation

which faces the application site. The development would therefore cause harm to the significance of designated heritage assets and to the wider visual amenity of the area. The harm is considered to be less than substantial harm, however, as required by paragraph 193 of the NPPF, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, policies LP24a and LP35 of the Kirklees Local Plan and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

2. The proposed development, by reason of the proposed layout taking into account the significant change in topography between the application site and adjacent properties to the west of the site along Thirstin Road, would have a significant overbearing and oppressive impact upon these neighbours and their private amenity space. This would not provide a high standard of amenity for neighbouring occupiers, contrary to Policy LP24b of the Kirklees Local Plan and paragraph 127f of the National Planning Policy Framework.

3. Notwithstanding information provided within the application form, there are trees to the west of the site that are an important part of the local landscape character and which would be threatened, at least indirectly, through the development as proposed. The development would therefore be contrary to Policy LP33 and LP24i of the Kirklees Local Plan.

Furthermore, the previous 2005 scheme for the erection of one dwelling was also subsequently refused and dismissed at appeal, with the Inspector agreeing with both reasons for refusal. It is acknowledged that this decision was made on the basis of the development plan of the time: Kirklees Unitary Development Plan. This has been superseded by the Kirklees Local Plan.

Nonetheless, it has been noted that the principle of development and its impact on visual amenity and the historic environment, remains the same. The site forms part of the historic curtilage at no. 13 Cuckoo Lane and is situated within a prominent location within Honley Conservation Area, more so when viewed from Thirstin Road and wider views across the valley. As such, officers consider the principle of the proposed building on this open land within this location unacceptable. A further impact upon the impact on the conservation area and neighbouring listed building will be undertaken below.

Housing supply

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 20% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.32 years supply.

As the Kirklees 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). 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.

Whilst acknowledging that the site would provide a new dwelling within a wider residential area, this provision has to be balanced against other material planning considerations. As set out above, the principle of having such development within this location would have a detrimental impact on the character of Honley Conservation Area, alongside the setting of 13 Cuckoo Lane, a grade II listed building.

2. Impact on visual amenity and heritage

In terms of design, given that the matters of scale have been reserved, limited indicative detail has been provided. However, as set out above there are still concerns that in principle, the development of the site including layout and access arrangements would be detrimental.

This is due to the fact that the site is adjacent to no. 13 Cuckoo Lane which is a grade II listed, end of short terrace, early C19, hammer dressed stone and part rendered property. Whilst the site is now understood to be in a separate ownership to this cottage, with the works being proposed at the furthest point, it served as its garden at the time of listing and therefore is within the historic curtilage of the listed building.

As such, policy guidance of Chapter 16 of the NPPF is relevant in the determination of this application. Paragraph 200 also states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

With respect to the general design advice contained within Chapter 12 of the NPPF, it is stated that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

In this case, the proposal would fail to preserve and enhance the setting of the Listed Building, as it would still occupy a vast majority of the curtilage. More so, the existing openness of the site in which provides a valuable contrast to the higher density of the older village properties will be lost. Therefore, this important open space within the Conservation Area should not be lost.

It has been noted that the detached dwelling would be significantly smaller than the previous scheme for 3 apartments, however, officers do not consider the scheme to preserve to sites attractive visual qualities, as a large structure would still appear overbearing and oppressive when compared against the existing open site.

Impact on significance

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 an application for planning permission on the setting of a heritage asset.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 goes on to state that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy LP35 of the Local Plan 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.

In this case, the proposal has been considered against the impact in which it would have of the significance of Honley Conservation Area alongside the Listed Building. In coming to the conclusion of this matter weight has also been afforded to the 2020/91015 planning application.

As outlined above, part of the significance of the conservation area are the extensive views across the site from Cuckoo Lane, looking down the hill to South West of the Conservation Area. The three-storey Grade II listed terrace of four weaver's cottages at 10-13 Well Hill is also prominent from this position and the overall scene of the stone building with stone slate roofs is a typical view within the Pennine town landscape. As such, this is an important vista within the conservation area.

Therefore, a building housing a one storey high structure facing onto Cuckoo Lane to the east and a two storey structure to the West, would have a significant impact upon the wider amenity. The submitted plans also show part of the existing stone wall within the sites frontage to be demolished in order to create the on-site parking. This wall is considered to add to the character of the area, alongside the setting of the Listed Building and therefore would require Listed Building Consent to demolish.

As such, the size and scale of the development proposed would harm the significance of the listed building and the character of Honley Conservation Area, by reason of the loss of an important view and surviving open space. This would be compounded by the loss of a section of the wall, for the proposed on-site parking arrangements.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

This proposal would cause less than substantial harm to the significance of both the conservation area and listed building by development part of a historic open space within the curtilage of a listed building and with an important vista which contributes to the character of the conservation area.

Weighing of harm against public benefits

Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this case, the supporting statement has not put forward any public benefits in order to outweigh the harm. However it is noted that the development would provide an additional dwelling at a time of general need, however the harm caused to the historic environment as identified above does not outweigh the benefit of providing an additional home. For these reasons, the proposal is considered to fail to comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

Furthermore, it would not accord with the National Design Guide, in particular context.

The NDG states that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage. This scheme does not

3. Impact on residential amenity

The application is at outline stage with only the matters of layout and access being considered. Therefore, the impacts in which the proposed development would have on the amenities of the occupants of the neighbouring properties cannot be fully assessed at this stage.

Nonetheless, Policy LP24 of the Kirklees Local Plan states that “good design should be at the core of all proposals by ensure that development provides a high standard of amenity for future and neighbouring properties”. This is also reiterated in Chapter 12 of the National Planning Policy Framework. The impact of the development on each property will be assessed in turn.

13 Cuckoo Lane is the neighbouring property to the South East of the application site. The scheme is likely to have some impact upon these neighbour’s amenity, as the land is currently vacant from any built form. However, the indicative plans now show the new dwelling to be situated 25m

away from this property and therefore any overbearing and overshadowing is unlikely to be detrimental. Nonetheless, control over window openings and a full assessment of scale could also ensure that the impact is not undue.

16 – 20 Thirstin Road are the residential properties to the South West of the application site. It has been considered that the proposed development whilst reduced to a one dwelling from the refused scheme, would still have a significant overbearing and oppressive impact upon these neighbours and their outdoor amenity space. This is due to the fact that the application site is on a substantially high level than these properties given the change in levels within the area. The indicative scale plan indicates the potential height a building could accommodate 2 stories.

For these reasons, concern is raised in terms of the potential loss of residential amenity, in particular through overbearing, that would ensue from the proposed layout of the building.

1 – 10 Burhouse Court are the residential flats to the East of the application site. The proposal is likely to have some impact upon these neighbour's amenity in terms of overbearing, overshadowing and overlooking. However, it has been noted that a separation distance of at least 20m including a highway could be retained between the existing flats and the new dwelling. For these reasons, it is likely that an acceptable scheme could be achieved.

Based on the details held, officers considered that the proposed development would result in a loss of amenity to the occupiers of properties to the south west of the site on Thirstin Road by reason of overbearing impact. The development is contrary to Policy LP24b of the Kirklees Local Plan.

4. Impact on highway safety

The application seeks approval for details of access. In this case, Cuckoo Lane links Westgate with Town Head, School Street and Honley Junior and Infant School. Honley Liberal Club is at the northern boundary of the site and Honley town centre is approximately 120m to the east. A section of Cuckoo Lane is one way towards the junction with Westgate where it is particularly narrow.

The local highway network within this part of Honley is substandard in many respects including junction arrangements, carriageway/footway widths and inter visibility.

Many of the properties in this area will have limited or no off-street parking facilities and Honley Junior and Infant School and Burhouse Court have no off-street parking for visitors and staff. On street parking and associated congestion is likely to be an issue at this location at the school peak drop off and pick up times.

Whilst it is acknowledged that this site could be considered to be in a substantiable location close to Honley town centre, given the substandard highway network and that on-street parking is likely to be at a premium at this

location, Highways Development Management have been formally consulted. In this case, the officer considers the two off street parking spaces to be sufficient and therefore no concerns have been raised.

In the case of an approval, KC HDM would wish to see details for the arrangements and specification for layout, parking and bin storage and collection. This is to accord with Policies LP21 and LP22 of the KLP.

5. Other matters

Air quality

In accordance with government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it is considered reasonable and necessary to seek air quality enhancement as part of this application. Therefore, if the principle of the development was considered acceptable, a condition could be imposed requiring the provision of an electric charging vehicle point within the site.

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, it has been noted that the new dwelling would be constructed to modern building standards and could be designed to be thermally efficient and include an orientation which supports solar gain.

Foul sewerage

The submitted information outlines that the foul sewage will be disposed of through a Mains Sewer at 13 Cuckoo Lane. This has been considered satisfactory for the scale of development and it considered to comply with the aims of Policy LP53 of the Kirklees Local Plan.

Ecology

The site is an open garden space which is considered to be of low ecological value. The development whilst having some matters reserved could secure appropriate ecological enhancement measures which could be secured by condition.

Noise disturbance

KC Environmental Health have been formally consulted as part of this application, given the fact that the application site is situated within a close proximity to Honley Liberal Club and therefore there is some potential for

noise disturbance. More specifically noise from licensed premises may include noise from live and recorded music as well as other sources. As such, the officer has requested that a noise report is submitted prior to determining the application. This would need to consider how future residential site users may be affected and protected from noise from licensed premises. This could involve insulation of walls, attenuation through glazing or the orientation of the building as appropriate.

In this case, officers have not requested the further information as the principle of development is not considered acceptable and therefore it would be costly and time consuming to ask for the additional information on this basis. Subject to the above concerns being overcome, a noise report could be submitted with any future planning application for appearance and landscape as reserved matters. This would be to satisfy the LPA that the placement of windows/amenity space was not adversely affected by the adjacent Licensed premises, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Trees

KC Trees have been formally consulted as part of this application, as the trees within the application site or just beyond its boundary are protected by virtue of their conservation area status. Having visited the site, the officer can confirm that there are trees worthy of a retention and protection along the site's western boundary.

One in particular in the middle of the western boundary is a mature Sycamore, with good form and appeared in good health, though this should be clarified by the applicant's own assessment of the tree. It is worth noting that this tree is not shown on any of the plans submitted so would certainly be removed to facilitate these proposals which would result in a loss of public amenity and have a negative impact upon the character and setting of the Conservation Area.

The proposal for a single dwelling on the site may appear simple, however considering the ground levels and that the proposals include a floor of the property beneath the road level, it is with no doubt that the scheme would result in the loss of all the trees on the site. The excavations alone to construct a property on this site would, if trees were to be retained, significantly harm the rooting area and would also likely require heavy crown reduction even if the proposals were above the existing ground level.

As such, no tree information has been provided and therefore the scheme is not considered to comply with the aims of Policy LP24i and LP33 of the KLP.

6. Representations

As a result of the above publicity, 12 representations have been received in objection to the scheme. A summary of the concerns alongside officer comments can be seen below:

Residential amenity

- Loss of privacy at neighbouring properties

- Overbearing and overshadowing on neighbouring amenity
Comment: A full assessment of the impact on residential amenity can be seen within section 3 of the report above.

Highway safety

- The surrounding streets are already congested and could potentially cause safety issues for children and parents around school times
- The local highway network cannot cope with anymore development
- The road is already very narrow
- The building of the property would create accidents with delivery lorries etc.
Comment: The above comments have been noted and have been assessed by KC Highway DM.

Visual amenity and heritage

- The development would not compliment the other buildings within the Conservation Area
Comment: This has been noted.
- The ambience of the area will be spoilt along with the loss of an old historical wall
- Contrary to Policy LP35 of the KLP
Comment: This has been noted.
- The wall has been there for over 100 years
Comment: This has been noted.
- A building so close to the listed property would degrade its setting
Comment: This has been noted and assessed within the report above.
- Overdevelopment of the site
Comment: This has been assessed within sections 1 and 2 of the report above.
- The application does not give consideration to the listed status of no. 13
Comment: This has been noted.

Trees

- The works will impact upon a number of trees on site
- The loss of the trees will ruin the wildlife
Comment: This has been noted by KC Trees.

General concerns

- The ground beneath the site falls away and is unsuitable for further development
Comment: This has been noted.
- Any further development could result in the destabilising of the retaining walls.
Comment: This has been noted.

- The dwelling would block views across the village and from Cuckoo Lane.
Comment: This has been noted.
- The importance of views are emphasised in the Kirklees Householder Design Guide
Comment: This has been noted.
- This application has already been refused, as it will affect the listed wall and the trees around the area
Comment: This has been noted, with the previous planning history also being taken into account.
- Objections to the scheme in principle
Comment: This has been noted.
- Discrepancies in the design and access statement
Comment: This has been noted.
- Offers have been put in to use the garden as a community allotment
Comment: This has been noted, however, it is outside the remit of this planning application.

The above comments have been carefully considered in the determination of this application.

7. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposal does not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation: Refuse

Decision Authorisation: Delegated Powers

Application Number: 2020/93699

Officer Recommendation: Refuse

Reasons for refusal

1. The development proposed, by reason of its layout and access arrangements and by developing land which is currently open and contributes to the character of the area, would fail to preserve or enhance the character or appearance of Honley Conservation Area. Furthermore, it would detract from the setting of the adjacent listed building at 13 Cuckoo Lane by occupying a

substantial part of its historic curtilage. The development would therefore cause harm to the significance of designated heritage assets and to the wider visual amenity of the area. The harm is considered to be less than substantial harm, however, as required by paragraph 193 of the NPPF, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, policies LP24a and LP35 of the Kirklees Local Plan and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

2. The proposed development, by reason of the proposed layout taking into account the significant change in topography between the application site and adjacent properties to the west of the site along Thirstin Road, would have a significant overbearing and oppressive impact upon these neighbours and their private amenity space. This would not provide a high standard of amenity for neighbouring occupiers, contrary to Policy LP24b of the Kirklees Local Plan and paragraph 127f of the National Planning Policy Framework.

3. Notwithstanding the information provided within the application form, there are trees to the west of the site that are an important part of the local landscape character and which would be threatened directly, through the development as proposed. The development would therefore be contrary to Policy LP33 and LP24i of the Kirklees Local Plan.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	-	-	2 nd November 2020
Existing site plan	01	-	2 nd November 2020
Proposed site plan and section	02	-	2 nd November 2020
Design and access statement	Dated November 2020	-	2 nd November 2020

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 Planning 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 instance, the submitted plans raised significant concerns with regards to the principle of having a new dwelling within this location and the impact in which it would have on the conservation area, the protected trees along with visual and residential amenity.

Dated 4th March 2021