Originator: Ellie Worth

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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 31-Mar-2022

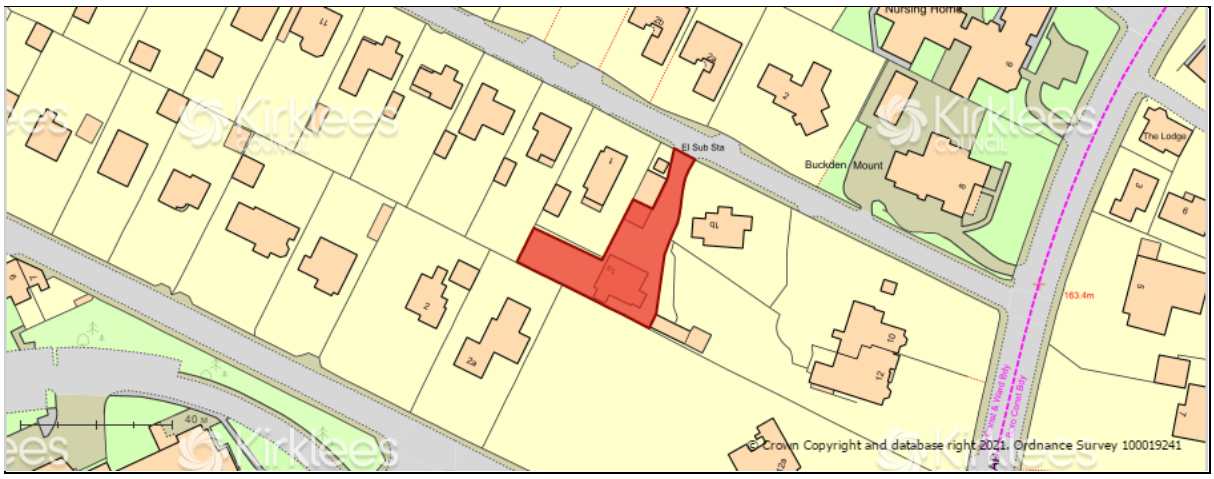
Subject: Planning Application 2021/90126 Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY

APPLICANT
V Bains

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
14-Jan-2021	11-Mar-2021	21-Apr-2021

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
Public speaking at committee link

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Lindley

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application has been brought to Huddersfield Planning Sub-Committee at the request of Ward Councillor Burke who has provided the following reasons:

1. Overspill of on-street parking problems resulting from insufficient parking spaces to cater for the proposed development, contrary to the Council's own Highways Design Guide and planning policy. This will lead to highway safety problems for the neighbouring property and on Dingley Road. The car parking has been reduced from 4 to 3 spaces which makes the situation more difficult.
2. The development comprises a new independent dwelling as opposed to the 'annexe' to the main house, which has further implications for off-street parking demand. This makes it a five bedroomed development, increasing it from a two bedroomed bungalow.
3. Insufficient space on the applicant's plot to accommodate the proposed development.
4. Residential amenity issues caused by overlooking from the proposed development.

1.2 The Chair of Sub-Committee has accepted the above reasons for making this request, having regard to the Councillor's Protocol for Planning Committees.

1.3 The application was brought before the Sub-Committee on the 9th December 2021, but was deferred at the request of the agent, because of an ongoing legal dispute regarding the parcel of land, formerly known as the garden space, to the West of the existing dwelling.

1.4 Taking the matter in the preceding paragraph into account, the proposed orangery has now been removed from the proposed plans. However, the red line boundary for the application site remains unchanged. This is because the applicant contends that this parcel of land is within their ownership and Land Registry detail has been submitted to support their view. Confirmation has however been sought from the applicant's agent, to ensure that the correct notice has been served on the neighbouring properties in accordance with Article 13 of the Development Management Procedure Order 2015.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to the Coachways, 1a Dingley Road, Edgerton a detached bungalow faced in render and stone, with a tiled roof. To the North of the site is a detached outbuilding, of which the applicant has part ownership. The ground floor serves as a storage area, with office space above.

2.2 The host dwelling benefits from an area of hardstanding to its front elevation, along with a landscaped garden to the South West, to the rear of 1 Dingley Road. Vehicular and pedestrian access is taken along a shared driveway onto Dingley Road. This serves as access for 1B Dingley Road, with a right of way also running through the site for no. 12 Thornhill Road, as they own the detached outbuildings to the South East of the application site. Boundary treatment consists of timber fencing and stone walling.

2.3 The site is situated within a predominately residential area, whereby the neighbouring properties vary in design and form. This includes Grade II listed buildings at nos. 10 and 12 Thornhill Road to the east of the site, no. 1B Dingley Road, previously referred to, which is a one-and-a-half storey property of around 30 years old to the north east of no. 1A and the east of the detached outbuilding. The detached dwelling to the north west of the site, no. 1 Dingley Road is an extended bungalow. The site is also situated within Edgerton Conservation Area on the Kirklees Local Plan.

3.0 PROPOSAL:

3.1 Permission is sought for the partial demolition of the existing bungalow (no. 1A) with re-building with extensions to form a two storey dwelling. It is also proposed to extend and alter the existing coach house to form annex accommodation to no. 1A.

3.2 The resultant two-storey dwelling would be 10.8m in width by 14m in depth, with an eaves height of 5.6m and an overall height of 8.1m. Its design features include a dual pitch projecting front gable, along with mullioned windows. To the North Western elevation, the plans show a bay window. The dwelling would provide an open plan dining/kitchen, along with a sitting room at ground floor. At first floor four bedrooms, an en-suite and a bathroom would be provided.

3.3 In terms of the annex accommodation, the existing coach house would be extended by 0.9m to the South at two-storey height, along with an additional single storey extension. This would have a projection of 4.5m, a depth of 2.5m and an overall height of 3.9m. Internally the works would provide a kitchen/lounge, W.C at ground floor alongside a bedroom and en-suite at first floor.

3.4 The extensions to the coach house and the extensions and alterations of the host property to form a two-storey dwelling would be constructed from natural stone with blue slate roofs. New windows and doors would be finished in timber to match.

3.5 Three parking spaces are indicated to be provided to serve the dwelling and its associated annexe accommodation, along with one visitor parking space.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2016/93616 Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) – Granted.

4.2 2014/90369 Partial demolition of existing bungalow into 2 storey dwelling and re-building (within a Conservation Area) – Granted

4.3 2011/91069 Erection of extension and conversion of existing Coach House into annexe (within a Conservation Area) – Granted

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Officers have entered into multiple discussions as part of this application in order to clarify on site parking and internal turning, private rights of access, bin storage and collection details and land ownership.

6.0 PLANNING POLICY:

6.1 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).

6.2 The site is situated within Edgerton Conservation Area on the Kirklees Local Plan.

6.3 Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **LP22** - Parking
- **LP24** – Design
- **LP30** – Biodiversity
- **LP35** – Historic environment

Supplementary Planning Guidance / Documents:

6.4 Housebuilders Design Guide (SPD)

Kirklees Council has adopted supplementary planning guidance on house extensions and new development which now carry full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that both SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions and new development.

6.5 Edgerton Conservation Area Appraisal

6.6 KC Highways Design Guide 2019

National Planning Guidance:

6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised in accordance with the Kirklees Development Management Charter. Final publicity expired on the 14th May 2021.

7.2 As a result of the above publicity, six representations were received from a planning consultancy on behalf of a neighbouring resident. A summary of the concerns are as follows:

Highways and parking:

- Concerns regarding the number of parking spaces for both the main dwelling and the annex.
- There is concern regarding internal turning, especially if all four spaces are occupied. Also because of this, there would be an overspill of on street parking on Dingley Road which would have a detrimental impact on highway safety.
- The improvement to internal turning is not considered to overcome the concerns originally raised.
- The parking spaces would be difficult to use and cannot operate properly, given that two spaces would be 'blocked in' by the car in front.
- The proposal falls short of the requirements of four parking spaces

Residential amenity:

- There are concerns regarding overlooking from the habitable room windows proposed within the front elevation of the coach house.
- The report states that the 'the openings proposed within the annex would be significantly screened by a large hedge which appears to be within neighbouring land (at no. 1b).' However, as this is within neighbouring land, it cannot be controlled by the applicant and therefore could be removed whenever the owner wished. Therefore, a separation distance of 14m from a habitable room is below the 21m recommended in the SPD.
- Other concerns are raised regarding the windows within the annex not complying with the recommended separation distances from non-habitable rooms.
- The residential use will be more intense than the office use, with further questions being raised to whether the office was actually used as an office.

General concerns:

- Concern to whether the coach house can be viewed as annex accommodation, as it is self-contained accommodation.
- Overdevelopment of the site.
- The previous 2016/93616 application should not have been granted.
- The amended plans are seen to be worse than the original proposal.
- The red line boundary on the site plan does not match the red line boundary outlined on the location plan.
- The conversion of the coach house could restrict neighbouring development.
- A right of access has been outlined on the plan, however, this falls outside of the red line boundary, as it is not a right of way that the applicant is legally entitled to.

7.3 Given the amendments sought to improve internal turning, officers considered it appropriate to re-advertise the application via a 10 day neighbour notification letter on the 4 May 2021. Since then, a final set of amended plans were received on the 16th February 2022, to clarify rights of access and to remove the orangery. Given that these works would not unduly impact upon neighbouring properties over and above the original scheme which residents have had two opportunities to comment on previously, officers did not consider it necessary to re-advertise the scheme.

7.4 Ward Councillor comments:
Cllr Burke: Requested the application be referred to planning committee for the reasons set out in the introduction of this report.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses received. Where appropriate, responses are expanded on in the main assessment:

Statutory:

- KC Highway DM: No objection as the principle of having annex accommodation at the site has already been established. In this case, the latest plans submitted on the 16th February 2022 demonstrate parking to the levels recorded within the Highways Design Guide, along with internal turning within the red line boundary. Nonetheless, officers have requested that a condition is attached to the decision notice to ensure that the annex is only used as an ancillary building to the main house.

- KC Environmental Health: No objections subject to conditions being attached to the decision notice regarding the finding of unexpected land contamination and the installation of an electric vehicle charging point.

Non-Statutory:

- KC Conservation and Design: No concerns from a heritage perspective.

- KC Trees: No objection to the loss of the tree and conifer, in order to make way for the new parking area.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development (including heritage considerations):

10.1 The site is located within Edgerton Conservation Area and is also adjacent to two listed buildings. Therefore, Sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

10.2 Paragraph 199 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.

10.3 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". Whether harm exists, and whether it is substantial or less than substantial, is assessed in the report.

10.4 As well as 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.

10.5 Alongside the above, permission has been previously granted under applications 2016/93616, 2014/90369 and 2011/91069 for the extensions and alterations to the coach house into annex accommodation and for the partial demolition and rebuild of the bungalow into a two-storey dwelling. The principle of such development has therefore been established as assessed against national and local policy at that time. As such, the principle of development has been considered acceptable.

Urban Design issues

10.6 Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

10.7 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following: 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.

10.8 The Housebuilders Design Guide SPD is also relevant which sets out a number of design principles, the key ones related to this application are:

• Principle 2 states that development should, take cues from the character of the built and natural environment within the locality. Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details. Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context
• Principle 5 states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.
• Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.
• Principle 14 states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.
• Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

10.9 Dingley Road is characterised by large, detached houses, many of which are two storey and set in moderate sized plots, set back from the road frontage. The predominant material of construction in close vicinity of the application site is stone.

10.10 In this case, officers have noted that the current dwelling appears to be within a tired state and therefore has minimal, if any, environmental value. The existing property itself does not have any significant architectural features and therefore detracts from the character of the surrounding properties. This is also reinforced with Edgerton Conservation Area Appraisal whereby the site is highlighted within Character Area 1 as being a negative factor. As such, the property's demolition and re-build is welcomed from a residential and conservation perspective.

10.11 The submitted plans show the proposed dwelling to be set over two floors, along with an extended ground floor. In this context, the new dwelling is considered to be of an appropriate size and scale, with a layout in which compliments the site's unique curtilage. Therefore, it is considered that the works to increase the footprint and overall height of the building would respect the general surrounding development and would integrate sympathetically without appearing overly dominant or obtrusive on this infill plot. This is considered to comply with the aims of the aforementioned design principles within the Council's Housebuilders Design Guide SPD.

10.12 With regard to materials, the new dwelling would be constructed from natural stone with a blue slate tiled roof, which would enhance the visual amenity of the area and improve the character of this plot, in accordance with Paragraph 5.4 of Edgerton's Conservation Area Appraisal. As the document states that all ''*historic buildings within the character area are constructed with natural stone walls, a pitched roof covered either in natural stone slate, blue slate or tiles''.*

10.13 The design of the new dwelling has also been considered acceptable from a visual perspective. The new mullioned windows and turn gable would also enhance the character of the area and would be in keeping with the neighbouring property at no. 1B Dingley Road. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

10.14 Turning to the extensions and alterations to convert the existing coach house into annex accommodation, officers consider the physical alterations to appear sympathetic to the host building, conservation area and the setting of the Listed Building to the East. More so, this would allow the building to continue to make a positive contribution to the Conservation Area in line with the details held within the Conservation Area Appraisal.

10.15 More specifically, the part of this building which is under the applicant's ownership will be extended at two storey by 0.9m and additionally at ground floor by 4.5m. In this case, the extensions are considered to sit comfortably with the original building, especially when viewed against the existing outbuilding. As such, no concern is raised regarding potential overdevelopment, this concurs with the principle of having this form of development previously approved on the site.

10.16 Consultations have also been undertaken with Conservation and Design officers, whereby they have confirmed no concerns with the design of the proposal or its impact on the surrounding Conservation Area. The conclusion is that there would be 'minimal harm'. In this case, the extensions will be constructed from stone with a blue slate roof to match. Furthermore, the garage door would be removed on the principal elevation and replaced with four large, elongated windows. Two smaller windows, a pedestrian door and a canopy would also be installed within the single storey extension. The extension to the coach house and the increase in the size of the dormer window/changes to doors and windows would cause minimal harm to its appearance/significance by altering its original form. As only part of the coach house is within the application site this would mean that there would not be a consistent approach to fenestration within the building as a whole.

10.17 The submitted plans show that the site can adequately accommodate the development and therefore it is not considered appropriate to withdraw permitted development rights, as the site falls within the Conservation Area and therefore any extensions to the side and front of the property would be restricted.

10.18 As such, it is considered that the proposed design, scale and layout would make efficient use of the land and would not cause material detriment to the visual amenity of the site or the wider character or appearance of the Conservation Area. It is considered there would be no harm upon the setting of the adjacent Listed Buildings (at no's 10 and 12 Thornhill Road) which are situated to the East of the application site. This is due to the substantial separation distance and the works to the site which would significantly improve the overall aesthetics of the main dwelling house.

10.19 Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.20 The proposal would result in a new dwelling, replacing a dwelling identified as a negative factor within the conservation area, which is, in the opinion of officers, visually attractive and which would be constructed to provide a high-level thermal efficiency. The use of natural stone would also be appropriate to the character and context of the site and the wider area, helping to secure the optimum viable use of the site going forward. The creation of a new dwelling unit, and the re-use of the coach house to form annexe accommodation, would bring the site back into full use. Therefore, it is concluded that the public benefits of the efficient use of the site and the creation of a dwelling/annexe as well as removing a negative feature of the conservation area would outweigh the less than substantial harm caused in particular by reason of the alterations to the coach house.

10.21 In summary, it has been concluded that the proposal would be of a satisfactory design quality which would be in keeping with the character of the area. The impact on the significance of the Conservation Area and the nearby Listed Building has been assessed and concluded that the public benefits of the proposal would outweigh the less than substantial harm caused to its significance. This is to accord with Polices LP24 and LP35 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD, Edgerton Conservation Area Appraisal and Chapters 12 and 16 of the NPPF.

Residential Amenity

10.22 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

10.23 The impact of the development on each of the surrounding properties will be assessed in turn. In this instance, the nearest residential dwellings to the application site are nos. 1 and 1b Dingley Road, 12 Thornhill Road and 2A Occupation Road.

10.24 1b Dingley Road is the neighbouring property to the Northeast/East of the host property and the detached outbuilding. It has been noted that these neighbours' own part of the existing coach house.

10.25 In this instance, it has been assessed that any impact from the additional bulk and massing to re-develop the existing bungalow would not be unduly detrimental. This is due to these neighbours being situated further forward within their plot and off-set to the north east of the proposed dwelling. The orientation of the host property with no. 1b also helps mitigate some of the potential overbearing, and given these factors the principle of having a two-storey dwelling within this location can be supported. Habitable room windows within the principal elevation would also look directly to the North, onto the existing hardstanding and therefore this would assist in mitigating against a significant loss of privacy.

10.26 With regards to the alterations and extensions to convert the outbuilding into annex accommodation, officers have noted that the additional built form would have a limited overbearing impact upon these neighbours' amenity. This is due to the majority of the side extension being retained at single storey. There would also be no further overshadowing, given that these neighbours and their private amenity space is situated to the East.

10.27 With reference to overlooking, the submitted plans show the existing garage door to be removed and replaced with four elongated windows. Two small openings will also be inserted into the single storey extension to serve the kitchen and W.C. At first floor the enlarged dormer would serve the bedroom. As such, it has been noted that the proposal would have the potential to impact upon these neighbours' amenity, given that its use will be altered from office/storage to residential. However, the principle of this relationship being accepted has already been previously established under the 2016 application, whereby a separation distance of 12m would be retained to these neighbours nearest single storey elevation. Furthermore, a separation distance of approximately 14.6m would be retained to the first floor side openings of no.1b.

10.28 Whilst the proposal does fall short of the recommended separation distances set out in the SPD, Paragraph 7.20 of the SPD states that there are several design solutions that can allow for reduced distances between buildings to be acceptable, such as appropriate screening and boundary treatment. At the time the site visit was undertaken, it was evident that a tall hedge is situated adjacent to the existing outbuilding, which lies within the neighbour's ownership. This would provide significant screening from the habitable openings within the proposed annex, towards the side elevation of no. 1b Dingley Road and would be under the control of no.1b should the hedge be removed in future.

10.29 Having taken into account the above, in particular the existence of appropriate screening, it is concluded by officers that the development would retain an acceptable level of amenity for the occupiers of no. 1b Dingley Road, in line with Policy LP24 of the Kirklees Local Plan and Paragraph 7.20 of the Housebuilders Design Guide SPD.

10.30 No. 1 Dingley Road is the neighbouring property situated to the North West of the application site. It has been assessed that there would be no material impact upon these neighbours' amenity, as a result of the development proposed.

10.31 More specifically, with reference to the extensions to the main property, it has been noted that the majority of no. 1 is situated towards the Dingley Road street frontage. Since this dwelling was recently extended, the main habitable room windows are within the Northern and Southern elevations. However, the new dwelling would not include any windows or mass that would be overtly seen from the south facing windows of this dwelling, thus there would not be a material loss of privacy. There is a home office in an outbuilding in the rear garden but this would have only an oblique relationship with a first floor bedroom window. In terms of overshadowing, it has been noted that the increase in built form would have some impact on this property, principally the bottom of the rear amenity space/home office, which would only be evident within a morning/early afternoon. This would not cause significant detriment.

10.32 Officers are also satisfied that the works to convert and extend the outbuilding to form annex accommodation, would not generate any undue impact upon the occupiers of no. 1 Dingley Road. This is due to there being a sufficient boundary wall in place which would mitigate the majority of any potential overbearing and overshadowing effect. Furthermore, the outbuilding would only be extended at two-storey by 0.9m and the new dormer window would not exceed the ridge height of the existing building. As a result, there would be limited overbearing, overshadowing and overlooking upon these neighbours' amenity.

10.33 12 Thornhill Road is the residential property to the East of the application site. It has been assessed that there would be no detrimental impact upon these neighbours' amenity, as a result of the works proposed as a separation distance of at least 45m would be retained, to the nearest rear elevation.

10.34 2A Occupation Road is the neighbouring property to the South West of the application site. Given that the host property is situated close to the shared boundary between these neighbours and that the works would intensify the built form at the site, there would be some impact upon the amenities of the occupiers of this property.

10.35 However, it has been considered that any impact would not be undue as no. 2A is situated to the South, thus avoiding a material overshadowing impact. The submitted plans show high levelled windows to be inserted into the rear elevation of the host property, in order to provide some sun light into the kitchen. Rooflights are shown to serve the orangery and kitchen in the rear elevation. However, these would be well above eye level. There would also be no further impact from the works to the existing outbuilding and therefore this relationship can be supported.

Amenity of the future occupiers

10.36 Principle 16 of the Housebuilders Design Guide seeks to ensure the floor space of dwellings accords with the 'Nationally Described Space Standards' document.

10.37 In this case, it has been noted that the new dwelling would have an acceptable amount of living space, as an internal floor space of approximately 240 sq.m would be provided. This would be significantly above the nationally described space standards for a four bedroom dwelling. With regards to the annex accommodation, this would also have an acceptable internal floor space of 65 sq.m with each habitable room also benefitting from an opening. This has been considered acceptable as this is simply an annex to the main dwelling and is not assessed as forming an independent unit of accommodation in its own right.

10.38 In terms of private amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is function and proportionate to the size of the dwelling and the character / context of the site is provided. In this case, the outdoor amenity space would be retained to the West of the replacement dwelling, which will be enjoyed by the occupants of the host property and the annex. This will also highlight the annex's dependence of the main property, as officers would not support a new dwelling within this location without any outdoor amenity space being provided. For these reasons, the proposal is considered to comply with Policy LP24 of the Kirklees Local Plan, Principles 6, 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

Highway issues

10.39 KC Highways DM have been formally consulted as part of this application, as the proposal seeks permission to re-build a larger dwelling and to convert the existing outbuilding into annex accommodation.

10.40 In this instance, the officer has referred back to the 2016 permission, outlining that access will still be taken from the shared driveway, which has a width of 3.5m at its narrowest point accommodating both the application site and one other dwelling, along with a private right of access for no. 12 Thornhill Road. Various discussions have been held with the agent in line with the concerns raised as part of the publicity and therefore final amended plans were received on the 16th February 2022.

10.41 Having reviewed the amended plans, Highways Officers are in full support of the scheme, as the plans demonstrate parking to the levels recommended in the Council's Highways Design Guide SPD. This includes three on site parking spaces for a 4+ bedroom dwelling. Alongside this, internal turning has also been demonstrated within the red line boundary, through the submission of swept paths. These demonstrate that access and egress can be taken from and onto Dingley Road in forward gear.

10.42 Furthermore, in order to overcome the concerns raised in the neighbour representations, officers would be looking to secure a condition to ensure that the annex accommodation is used in association with no. 1a and is not sold or rented out separately. This is considered necessary in order to ensure that there are no further implications to highway safety and parking, in accordance with Policies LP21, LP22 of the Kirklees Local Plan and Kirklees Highways Design Guide.

Other matters

10.43 *Bats* - The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. However, a note would be attached to the decision notice to state that 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. Therefore, should any bat roosts be found during the demolition of the building, works should cease and the applicant is advised to contact Natural England for advice.

10.44 Alongside the above, in order to comply with the aims of Policy LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD, proposals should provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat create where opportunities exist. In this case, a condition would be attached to the decision notice to state that a bat box shall be installed within the southern elevation of the host dwelling during the construction period. This is to accord with LP30 of the KLP and Chapter 15 of the NPPF.

10.45 *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 applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.46 In this case, it has been noted that the works would be constructed to modern building regulations which would aid improving the overall thermal efficiency of the property and the annex accommodation. The use of large areas of glazing to habitable rooms would also reduce the need for artificial light and improve solar passive gain, in accordance with Principle 18 of the Housebuilders Design Guide SPD.

10.47 *Trees* – KC Trees have been consulted as part of this application, as the new driveway/parking area for the property would result in the loss of an existing tree and conifer. Whilst these can be seen from public vantage points, they are well set back within the site and therefore their loss would not be consequential from an amenity value perspective. As such, the application would accord with Policy LP33 of the Kirklees Local Plan.

Representations

10.48 As a result of the above publicity, six representations have been received from a planning consultancy on behalf of a neighbouring resident. A summary of the concerns, along with officer comments are as follows:

Highways and parking:

- Concerns regarding the number of parking spaces for both the main dwelling and the annex.
- There is concern regarding internal turning, especially if all four spaces are occupied. Also because of this, there would be an overspill of on street parking on Dingley Road which would have a detrimental impact on highway safety.
- The improvement to internal turning is not considered to overcome the concerns originally raised.
- The parking spaces would be difficult to use and cannot operate properly, given that two spaces would be 'blocked in' by the car in front.
- The proposal falls short of the requirements of four parking spaces
  Comment: These concerns have been noted by Highways Officers, however, a full assessment upon the impact on highway safety and parking is set out within the committee report.

Residential amenity:

- There are concerns regarding overlooking from the habitable room windows proposed within the front elevation of the coach house.
- The report states that the 'the openings proposed within the annex would be significantly screened by a large hedge which appears to be within neighbouring land (at no. 1b).' However, as this is within neighbouring land, it cannot be controlled by the applicant and therefore could be removed whenever. Therefore, a separation distance of 14m from a habitable room is below the 21m recommended in the SPD.
- Other concerns are raised regarding the windows within the annex not complying with the recommended separation distances from non habitable rooms.
- The residential use will be more intense than the office use, with further questions being raised to whether the office was actually used as an office.
  Comment: The above concerns have been noted and have been addressed within the committee report.

General concerns:

- Concern to whether the coach house can be viewed as annex accommodation, as it is self-contained accommodation.
  Comment: The principle of having annex accommodation at the site has already been established under the previous planning applications. The proposal is considered to be of appropriate size for annex accommodation and to secure the building's future use, a condition is attached to the recommendation to state that it cannot be sold or rented separately, to ensure that it is used as annex accommodation.

- Overdevelopment of the site.
  Comment: Officers do not consider the scheme to result in the overdevelopment of the site.

- The previous 2016/93616 application should not have been granted.
  Comment: The previous scheme was assessed with regards to local and national planning policy as was granted.

- The amended plans are seen to be worse than the original proposal.
  Comment: This concern has been noted.

- The red line boundary on the site plan does not match the red line boundary outlined on the location plan.
  Comment: This has been noted and therefore updated plans have been provided to show the development only taking place on land within the applicant's ownership.

- The conversion of the coach house could restrict neighbouring development.
  Comment: This has been noted, however, a full assessment upon the impact on neighbouring amenity can be found within the committee report. Each application is judged on its own merits.

- A right of access has been outlined on the plan, however, this falls outside of the red line boundary, as it is not a right of way that the applicant is legally entitled to.
  Comment: This has been noted, however, the right of access identified on the proposed site plan, is to demonstrate that of no.12's, at the request of officers. This is to ensure that any private right of access will be retained as part of this application.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favor 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Standard three-year time frame

2. Development to be completed in accordance with approved plans and specifications

3. The external walls and roofing materials to match those use in the construction of the existing outbuilding/host property.

4. The residential annexe accommodation approved as part of this permission shall be used by the occupants or relative of the 1a Dingley Road and shall not be sold/rented separately.

5. One bat box shall be installed within the rear exterior wall of the main property before the development is first brought into use.

6. One electric vehicle recharging point shall be provided within the area of hardstanding before the development is first brought into use.

7. The reporting of any unexpected land contamination.

8. New hardstanding to 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).

Background Papers:

Application and history files
Link to application details

Weblink to application
Link to application details

Certificate B has been signed.