

**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:** 2021/62/91373/W

**Site Address:** Land Adj, 34, Cliff Road, Holmfirth, HD9 1UY

**Description:** Erection of 2 detached dwellings

**Recommending Officer:** William Simcock

**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: 26-Jul-2021**

## **Officer Report 2021/91373**

### **Land adj. 34 Cliff Road, Holmfirth**

#### **Site Description**

The application site comprises a steeply sloping parcel of land located on the east side of the highway. It is bounded by a drystone retaining wall to the highway with a pedestrian gateway. It measures approximately 25m west to east, being higher at the eastern end, and an average of 18m north to south.

The land is mostly rough grass with a few small mature trees. The upper part, enclosed by another drystone wall, shows signs of having been cultivated as a garden. At the south-west corner is a small stone outbuilding recessed into the banking.

The site occupies a location near the edge of Holmfirth that has been sporadically developed as a ribbon along Cliff Road, dominated by old, vernacular style terraced houses on the western or lower side and more modern, detached and individually-designed dwellings on the eastern side.

#### **Description of Proposal**

The proposal is for the erection of a 2 no. detached dwellings of handed design, placed near the middle of the site, 900mm apart. Each would be 3-storey, but would be accommodated to the rising land with the lower storey back-to-earth. Outer dimensions would be 7.25m in width and 9.65m in depth, at it greatest extent. Each dwelling would have a double-pitched roof pitching towards the highway, and with a small front-facing gable occupying about half the frontage width. Accommodation provided would include 3 no. bedrooms at first floor, kitchen / dining room, lounge and study at upper ground floor, and single garage, cinema room and lobby at lower ground floor.

A total of 4 external parking spaces would be provided, with a shared turning area along the frontage, and with the boundary wall removed or repositioned to allow access.

#### **History of negotiations/amendments received**

22-Jun-2021: Amended plans in response to Highways Officer's requirements

The new plans were not subject to new publicity since it was considered that they did not raise significant new planning issues.

#### **Relevant Planning History**

2018/93687 – Erection of detached dwelling with integral garage. Approved, not implemented.

Pre-application advice [not confidential] – 2020/20383: Officer response (conclusion):

“The site may be able to accommodate two dwellings but in order to avoid giving rise to the appearance of overdevelopment of the site, and to ensure that they respect the character of surrounding development, they should be substantially smaller and with a simpler and more traditional design as set out in section 6.3 above”

## **Representations**

Final publicity date expires: 26-May-2021. Publicity was by neighbour letter only thus fulfilling the requirements of the Development Management Procedure Order. It was considered that, as with the previous application, the proposal would not affect the setting of the nearby Listed Building which is on the opposite side of the road, and therefore did not require advertising as such.

4 letters of representation received, all objecting.

- The generic design does not fit in with their historic surroundings.
- Two dwellings would be overdevelopment.
- Impact on light to garden and to rear and side windows in adjacent property
- Loss of wildlife habitat
- The application form incorrectly says there are no trees or shrubs on or adjacent to the site
- Cliff Road is narrow, congested and the site is on a bend so there is a limited view when pulling out.
- Parking on Cliff Road is already an issue. The integral garages will probably not be used for parking
- It will affect drainage, in that water will drain off much quicker to the road and properties below
- Disturbance and parking issues during building work (especially excavation)

Holme Valley Parish Council comments – Support the application subject to compliance with points raised by officers regarding highway issues and materials being in keeping.

## **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Highways Development Management – Acceptable subject to conditions
- Planning: Conservation and Design – No objection.
- Ecology Officer – no comments made

## **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 27<sup>th</sup> February 2019).

The site is without designation in the Local Plan.

It is adjacent to land designated Green Belt in the Local Plan (to the east).

### **Kirklees Local Plan (LP):**

- **LP 21:** Highway safety and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 35:** Historic environment

Supplementary Planning Documents: The Housebuilder Design Guide SPD was adopted on 29<sup>th</sup> June 2021.

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21<sup>st</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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.

- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment.

### *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.

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development: Under the NPPF and Local Plan there is no presumption against the development of greenfield sites in principle. Furthermore the principle of residential development on this site has already been established.

The site is unallocated in the Local Plan. Of particular relevance within the NPPF are:

- Making effective use of land;
- Achieving well-designed places – planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments;
- Meeting the challenges of climate change flood risk and coastal change – opportunities should be taken to reduce the causes and impacts of flooding, and prevent new and existing development from being put at unacceptable risk from, or contributing to unacceptable levels of, pollution or land instability;
- Conserving and enhancing the natural environment – biodiversity should be preserved and where possible enhanced;
- Conserving and enhancing the historic environment.

The last is of relevance because there is a Listed Building close to the site on the opposite side of the road and it is important that the setting of heritage assets is conserved.

Turning to the Local Plan, LP24 deals with design and amenity issues in new development. This states that the form, scale, layout and details of all development should respect and enhance the character of the townscape, heritage assets and landscape, provide a high standard of amenity for future

and neighbouring occupiers including appropriate distances between buildings, and achieve high levels of sustainability.

Other than LP24, the most relevant policies in the Local Plan are LP21-22 (highway safety and parking), LP28 (drainage), LP30 (Biodiversity and geodiversity) and LP35 (Historic environment). These will all be taken into account along with any other material considerations.

The Housebuilder Design Guide SPD was adopted on 29<sup>th</sup> June 2021 which sets out a number of design principles to ensure that new developments fit within their local context and are of a high quality design.

2 –Impact on visual amenity: The scheme now being applied for is closely based on the one submitted as a pre-application enquiry, and upon which officers made comments. The main changes have been to the scale of the development. Width was reduced by about 1m per dwelling and the distance between the outer side wall of each dwelling and the respective neighbouring property (32 and 34) increased in proportion. The front-to-back dimension of the proposed new dwellings, and their height, has not noticeably changed. It is however noted that the large oak-framed gable above the garage has been deleted.

The type of development on the east side of Cliff Road north of the development site comprises a variety of housing types, but they have a traditional quality, comprising mainly stone-built terraced houses, or individually-built houses with a simple built form and some vernacular features (nos 34 and 36). South of the development site, the style of development is somewhat more diverse, but appears to date mostly from the 19<sup>th</sup> Century. On the west side of Cliff Road, traditional architectural styles predominate, mainly small vernacular terraced houses.

It is considered that in this context the design of the dwellings with the projecting 3 storey gable and large sections of glazing would appear over-elaborate and seem out of place and would fail to respect the character of its surroundings.

Regarding the overall scale of the development, it is noted that they would be set back considerably behind the front elevation of the nearest existing dwelling and would be no higher than it, and that the aggregate width of the two new houses would be about 65% of their plot width, which would be a smaller frontage to plot width ratio than most of the established development nearby. The site could therefore be capable of accommodating two dwellings, and that with a much simpler design, they might be sympathetic to their surroundings.

In conclusion, it is considered that despite the modest reduction in size and the removal of the oak-framed gable from the scheme proposed at the pre application enquiry, the development would fail to respect or enhance the character of the townscape or add to the overall quality of the area, contrary

to the aims of Policy LP24(a) and NPPF Chapter 12 and also the aims of the recently adopted Housebuilders Design Guide SPD

2A – Conservation of heritage assets: Taking into account the Council's duty in S66 of the Listed Buildings and Conservation Areas Act and Policy LP35 of the Local Plan, it is noted that the proposed development is close to no. 45 Cliff Road, a Listed Building (grade II). This is about 10m from the boundary of the application site and presents a gable end to the road. It is considered that whilst the design of the proposed development would be harmful to the character of its surroundings, it would not harm the setting of this Listed Building in particular, taking into account the relative positions of the Listed Building and proposed development.

3 – Impact on residential amenity: Since the revoking of the UDP, the specific space about buildings standards in Policy BE12 no longer applicable, but careful consideration must still be given to the provision of open space and separation from established development and neighbouring land, so as to ensure that the development does not compromise amenity and that future occupants would have a satisfactory standard of living.

It is considered that the internal layout of the new dwelling and the amount of space within the curtilage would be satisfactory for future occupants, and they would enjoy adequate levels of natural light. The main outlook would be to the front and rear.

To the north is an existing dwelling (no. 34) that has windows facing the site, at lower and upper ground floor and at first floor. From observations on site it has not been possible to establish what rooms these windows give light to, but the approved plans for the erection of an extension to this property, 91/06506, indicate that they would provide a secondary source of light to a bedroom dining / living room, and the uppermost one is a bathroom window. Part of the land to the south is residential garden. As in the previous application, potential impact on privacy and other amenity issues must therefore be considered. The new development would be approximately 1m closer to no. 34 and would extend 1m further forward, than the approved single dwelling would. This means that the side wall of the dwelling would overlap the line of sight from these windows, which the previous scheme would not, and at a distance of only 6m. Since they are all believed to be secondary or non-habitable on the basis of the available evidence, it is considered that only very limited weight should be placed on this factor. It could have some impact on light to, or outlook from, no. 34's rear garden, but as it would be positioned so that the side wall would be 5m or more from no. 34's curtilage boundary, it is anticipated any such impacts, including blocking of direct sunlight, would be slight, and would not amount to a significant loss of amenity.

It is anticipated that details of screening would be required at the boundaries to protect privacy, which could be the subject of a condition.

The south-facing windows in no. 34 would overlook the new dwelling but most of the usable amenity space would be at the rear so this is not judged to be a serious concern.

To the south of the site is land used as residential garden space for another existing dwelling. It is considered that there would, again, be no significant impact on amenity from the dwelling itself, subject to satisfactory boundary screening.

The only side-facing windows would be non-habitable or shown as high-level.

Finished ground and floor levels are not explicitly shown on the drawings but in the event of officers being minded to approve, these could be the subject of a condition.

In conclusion, it is considered that the development would provide an acceptable standard of living for future occupiers whilst avoiding loss of amenity to occupiers of established development and would accord with the aims of LP24(b).

4 – Impact on highway safety: Cliff Road is substandard in terms of width and alignment and also lacks footways. It is not ideally suited to serve any further development. Permission was refused to develop an adjacent plot (2005/94643, to the south), on the grounds of the inadequate local highway network, and poor visibility, in addition to aesthetic concerns over the front elevation. Since this time, an updated Manual for Streets has allowed local planning authorities to take a more flexible approach to fitting in small new residential developments into such locations. Furthermore there is an extant permission for the erection of a single dwelling which would take access to the public highway in a similar fashion.

Two parking spaces per dwelling is considered acceptable given the amount of living accommodation provided, and no visitor parking is considered necessary in this instance as there would only be two dwellings. Internal turning is shown to be provided.

The attainable visibility splays are substantially less than the standard visibility splay for a road with a 30 speed limit. The principle of development has however been accepted since traffic speeds and volumes are expected to be low at this point on Cliff Road. Whilst the erection of two dwellings would make a bigger contribution to vehicle trips than the single dwelling already approved, it is considered on the basis of the Highways Officer's comments, that such an intensification would not have a detrimental impact on highway safety, subject to the areas used by vehicles being provided and the visibility splays being provided as shown. As conditioned it would accord with the aims of LP21-22.

5 – Other matters:

*Ecology:*

The site is in an area in which swift nesting records exist but is not in the bat alert layer or the Wildlife Habitat Network. Previously under application 2018/93687 a ecological survey of the site was undertaken along with an ecological design strategy being submitted. Whilst no such information has been provided for this application, the findings of the survey to the 2018 application are considered to remain relevant in that the site is of low ecological value. An updated Ecological Design Strategy could also be secured by condition to ensure that there is appropriate biodiversity net gain achieved for the site.

*Drainage:*

The section on the application form dealing with surface water drainage states that either a soakaway or mains drainage will be used, depending on what is feasible. For a development of two dwellings only it is considered that it would be disproportionate to require the developer to demonstrate restriction to run-off rates, notwithstanding the aims of Policy LP28, and that in the event of an approval the drainage details could be dealt with under the remit of the Building Regulations.

*Public rights of way:*

There is a public right of way (PROW) HOL/152/10 to the rear of the site but some 15m away from the site boundary so it is anticipated that the development would not affect it in any way. The footpath immediately to the north between the development site and no. 34 is not recognised as a PROW on the definitive map and does not in any case appear to be heavily used.

**Electric Vehicle Charging Point**

In accordance with the West Yorkshire Low Emissions Strategy and Policies LP24 and LP51 of the Local Plan it is necessary to impose a condition requiring the installation of a EVCP before the dwelling is first occupied and thereafter retained. This is so as to support ultra low emission vehicles in the interests of air quality.

*Climate Change* - On 12<sup>th</sup> 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 pre-dates 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.

No details on how the proposal would mitigate against climate change have been put forward, however, it is noted that the dwelling would be constructed

from natural stone which is a durable natural material that can be sourced locally. In addition the proposal includes large sections of glazing which would aid in solar gain which combined with modern installation standards would help to reduce energy costs. Furthermore the proposal would provide electric charging points, securable by condition to ensure that there is provision for low emission vehicles at the site.

## 6 – Representations:

Concerns about visual and residential amenity have been addressed in the main part of the assessment but are highlighted below together with responses to other issues raised.

4 letters of representation received, all objecting.

- The generic design does not fit in with their historic surroundings.  
**Response:** This concern is considered to be substantiated.
- Two dwellings would be overdevelopment.  
**Response:** Officers' views are that the development of the site for two dwellings cannot be conclusively ruled out subject to scale and design.
- Impact on light to garden and to rear and side windows in adjacent property  
**Response:** These concerns have been examined in part (3) of the Assessment and are not considered substantiated.
- Loss of wildlife habitat  
**Response:** The Ecological Survey submitted with the 2018 application found that the site had very limited habitat and biodiversity value. Again, suitable enhancement measures would be conditioned in the event of an approval.
- The application form incorrectly says there are no trees or shrubs on or adjacent to the site  
**Response:** There are some small trees and shrubs on or adjacent to the site but none that are considered highly valuable to amenity.
- Cliff Road is narrow, congested and the site is on a bend so there is a limited view when pulling out.  
**Response:** Highway safety issues have been examined in section (4) above. The nature of the local highway network is sub-optimal from the point of view of layout and visibility but it is considered that given that this proposal is for two dwellings only, highway safety concerns do not amount to a reason to refuse in this instance.
- Parking on Cliff Road is already an issue. The integral garages will probably not be used for parking

**Response:** The amount of parking provision is considered adequate even if the garages are not used for vehicle parking, as set out in part (4) of the Assessment.

- It will affect drainage, in that water will drain off much quicker to the road and properties below

**Response:** The creation of new built development or hard standing is liable to result in additional water run-off. This can however be mitigated through the use of permeable hard surfacing materials where appropriate, and any remaining run-off water could be safely dealt with either by a mains drainage connection or by a soakaway if feasible.

- Disturbance and parking issues during building work (especially excavation)

**Response:** Officer assessment at the time of the 2018 application was that based on the scale of the proposal, the possibility of significant obstruction to traffic flow or threats to highway safety was low and that a formal construction management plan was unnecessary. The present application is for two dwellings not one, but is similar in the amount of excavation required. The Highway Officer has not raised this as a concern. The option of conditioning this aspect of the development process would still apply in the event of an approval.

Holme Valley Parish Council comments – Support the application subject to compliance with points raised by officers regarding highway issues and materials being in keeping.

**Response:** The views of the Parish Council represent a material consideration but it is considered that in this instance the views expressed do not outweigh the significant concerns over the visual impact of the development as set out in Section (2) of the Assessment.

## **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.

## **Recommendation – REFUSAL**

## Decision Authorisation - Delegated Powers

**Application Number: 2021/91373**

**Officer Recommendation: REFUSAL**

### Reason for refusal

1. The proposed dwellings, owing to their over-elaborate modern design, with 3 storey front projecting element and large sections of glazing would not reflect the design and built form of established development in the surrounding area. The proposal would therefore fail to respect or enhance the character of the townscape and would not add to the overall quality of the local area, contrary to the aims of Policy LP24(a) of the Kirklees Local Plan, guidance set out in the Kirklees Housebuilder Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

| Plan Type                     | Reference | Version | Date Received |
|-------------------------------|-----------|---------|---------------|
| Application form              |           |         | 19-Apr-2021   |
| Location plan                 | 19/559/01 |         | 19-Apr-2021   |
| Existing block plan           | 19/559/02 |         | 19-Apr-2021   |
| Proposed site layout plan     | 19/559/03 | D       | 22-Jun-2021   |
| Proposed plans and elevations | 19/559/04 | B       | 22-Jun-2021   |
| Proposed plans and elevations | 19/559/05 | E       | 22-Jun-2021   |

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. The case officer advised the applicant that the scheme as submitted was likely to meet with refusal on design grounds. The applicant submitted amended plans to address the Highways Officer's concerns but chose not to submit amendments to the design of the dwellings themselves. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area.

**Report Dated:**

21-Jul-2021

