

**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: 2021/60/92462/W

Site Address: rear of, 1091, Manchester Road, Linthwaite,
Huddersfield, HD7 5LS

Description: Outline application for erection of detached dwelling

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: 07-Oct-2021

Officer report

Site description

The site relates to land to the rear of 1091 Manchester Road and 3 Linfit Fold which are back to back properties, and comprises of hardstanding and planting. The land slopes away to the North, given the topography of the area, and then drops down to the gardens of the properties in which face Linfit Fold. Boundary treatment consists of stone retaining walls and timber fencing.

Surrounding the site are various Grade II Listed Buildings, which include 1, 3, 5 and 7 Linfit Fold to the North, 1083 and 1087 Manchester Road to the North East and 6, 8 and 10 Linfit Fold to the South West. To the South is also Linthwaite Hall a Grade II* listed building.

Surrounding the site is predominately residential in character, with the common construction material being stone. The site is unallocated on the Kirklees Local Plan, however, is surrounded by Grade II Listed Buildings.

Description of development

The applicant is seeking outline permission for the erection of a detached dwelling with all matters reserved.

An indicative site plan and elevations have been provided, alongside a heritage statement.

History of negotiations or amendments sought

The application in principle is considered unacceptable and therefore no amendments have been sought.

Relevant Planning History

At the application site:

2020/91304 Outline application for erection of detached dwelling – Refused.

92/04720 Outline application for residential development – Refused.

Neighbouring properties:

2007/92482 Erection of detached dwelling – Refused (Site adj to Linfit Fold)

96/91461 Erection of extension – Granted (7 Linfit Fold)

94/92079 Outline application for erection of one dwelling – Conditional permission (Adj to 7 Linfit Fold)

94/92329 Listed building consent for improvements and rear extensions to three dwelling – Granted (6,8 and 10 Linfit Fold)

Representations

The application has been advertised by a site notice, neighbour notification letters and the press.

Final publicity expires: 4th August 2021.

As a result of the above publicity, 8 representations have been received. A summary of the concerns raised are as follows:

General concerns:

- Linfit fold is a special pocket in Linthwaite, that is highly valued for its historic nature.
- The development is within a close proximity to Linfit Hall dating from the 16th Century.
- To build on this plot would destroy a valued part of heritage and would block out any views of the cottages, creating a hazard for both pedestrians and motorists.
- The heritage statement is misleading.
- Discrepancy over the number of bedrooms provided.
- The replacement tree still has not been planted.
- The proposal would destroy natural habitats and the existing landscape.
- There would be an added pressure on the drainage and sewage system.
- The heritage statement does not take into account all of the other properties in the area, which are also listed.

Design concerns:

- Concerns over the final finish of the dwelling.
- The dwelling would be built largely out of artificial materials and would be out of character.
- The site is too small for such a dwelling.
- The building appears to be shoehorned into the available space – as had the previous application which was refused last year.

Residential concerns:

- Overbearing and overshadowing of nearby properties.
- The development would block the views and affect the light available into nearby dwellings.

Highway concerns:

- The proposal would cause further congestion.
- The driveway would be a hazard for sight lines.
- The site is currently used for the parking for vehicles for neighbouring properties, where will these cars be displaced?
- Concerns over access for existing residents.
- The construction phase would cause safety issues.
- There is no footway along Linfit Fold and the additional vehicles would pose a danger.
- Access is close to the junction with the A62 and there are usually cars parking opposite the junction, making it difficult to see around the corner.

Consultation responses

- KC Highways DM: No objection to the scheme in principle, however, conditions would need to be attached to the decision notice.
- KC Environmental Health: No objection subject to a condition requiring an electrical recharging vehicle point being added to the decision notice.

- KC Trees: No objection, but a Fastigate Hornbeam tree should be included on the road frontage in the case of an approval.
- KC Conservation and Design: No comments received.
- KC Health and Safety Executive: No comments received, however, these are likely to replicate those sought as part of the previous permission which stated that '*officers do not advise against the granting of planning permission of health and safety grounds*'.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan but will impact upon the setting of the surrounding Grade II Listed Buildings.

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

Supplementary planning documents (SPD)

- Housebuilders Design Guide

National Policies and Guidance

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 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

The application site is unallocated on the Local Plan and therefore Policies LP1 and 2 are relevant which support sustainable development. The proposed development seeks outline consent for 1 dwelling with all matters reserved, however a detailed indicative proposal has been submitted with the application showing a two storey two bedroom dwelling with two off street parking spaces.

1.1 Background

It is noted that an application two applications from 2020 (2020/91304) and 1992 (92/04720) refused permission for a dwelling at the site. More specifically the reasons for the refusal on the 2020 permission are as follows:

1. The proposed residential development, in relation to plot size and taking into account its relationship with surrounding development, would represent a cramped form of development constituting an overdevelopment of the site. It would fail to add to the overall quality of the area or result in a scheme that is visually attractive. Furthermore, the proposal, would fail to preserve or enhance the setting of the neighbouring listed buildings, by occupying a substantial part of the existing open space, which is currently used to contrast with the built form and to provide views of the listed buildings, particularly those to the North. The development would therefore cause harm to the significance of the designated heritage assets and to the wider visual amenity of the area. No public benefits have been put forward to outweigh the identified harm to the setting of the listed buildings. 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 residential development, when taking into account the changes in topography in the surrounding area and the close proximity between the application site and the principal elevations of 1, 2, 3, 5, 7 and 9 Linfit Fold, would have a significant overbearing and oppressive impact upon these neighbours amenity and outlook and could

potentially lead to detrimental overlooking. This would not provide a high standard of amenity for neighbouring occupiers, contrary to Policy LP24(b) of the Kirklees Local Plan and paragraph 127(f) of the National Planning Policy Framework.

Furthermore, the site is also situated adjacent to various listed buildings and therefore, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings.

Therefore, the key considerations for the proposal are whether the principle of developing the site for a single dwelling is acceptable in design and heritage grounds, in terms of residential amenity and whether the proposal would have an adverse impact on highway safety. Other matters in relation to the principle of development the site such as ecological impact will also be considered along with all other material planning considerations and representations received.

1.2 Housing supply

The site forms a piece of land currently providing off street parking with some small timber structures on site. The application would provide 1 residential property and therefore it is appropriate to consider the LPAs overall housing position.

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 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

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.

Paragraph 69 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes"

The development site forms a small plot surrounded predominantly by residential development. Although the Local Planning Authority can demonstrate a five year land supply, it is noted that the development of this plot would be contribute to the housing supply in the district. However, the

provision of housing needs to be balanced against all material planning considerations considered below.

2. Impact on visual amenity and heritage

General design considerations are set out in Policy LP24 of the Local Plan, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. More specifically, paragraph 5.5 of the Councils Housebuilders Design Guide SDP outlines that “great weight will be placed on the importance of good design where a proposed development may impact on a designated heritage asset or its setting”.

Given the sites proximity to a number of listed buildings, Policy LP35 is also relevant which sets out that development proposals should preserve or enhance the significance of heritage assets and 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.

These matters are further supported by Chapters 12 and 16 of the NPPF and the recently published National Design Guide which supports good design that functions well and adds to the overall quality of an area and retains a strong sense of place whilst protecting heritage assets. Policy LP7 supports the efficient use of land and this further detailed in Chapter 11 of the NPPF. The application has also been assessed by the Councils Conservation and Design Officer who objects to the proposal.

Regarding the layout and siting of the proposed dwelling, Design principle 2 of the SPD sets out that “New residential development proposals will be expected to respect and enhance the local character of the area, with principle 5 seeks to ensure that coherent building lines are used to help provide active frontages and a sense of place is retained whilst protecting visual connections to the surrounding area.

Principle 6 of the Housebuilders Design Guide SPD highlights that ‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings... normally new build developments should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to scale of the dwellings’. Paragraph 7.19 of principle 6 states that for two-storey house types there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

The application site is considered to be small for a dwelling at 195 square metres, with its triangular shape further restricting the potential for the suitable development of the site. It has been noted that the indicative layout now proposes a smaller dwelling, with only two bedrooms and one off street parking space. The dwelling is to be placed towards the southern end of the

site but would still be situated 0.3m from the boundary edge. More specifically the internal floor space has been measured at 64 sq. m, which is a slight reduction from the previous scheme, however, this raises concerns from an amenity perspective. Therefore, whilst layout has not been applied for, the indicative details are considered likely and these highlight that the erection of a dwelling on the site would appear cramped and would provide a poor level of amenity for its future occupants.

Turning to the impact of the development on the setting of the adjacent listed buildings, the site is directly adjacent to no. 1, 3, 5 and 7 Linfit Fold which are Grade II Listed, C19th Century weavers cottages. The Grade II* listed Linthwaite Hall is located further to the north.

It is considered that the proposal would fail to conserve or enhance the setting of the surrounding listed buildings, as it would occupy a small important open space, that in turn would obscure the principal elevations of no's 1 – 7 Linfit Fold when travelling north. As outlined within the previous report, the councils Conservation and Design Team considered the land to play an important role preserving the views down Linfit Fold from the Grade II* listed Linthwaite Hall. As such the development proposed would have a detrimental impact on the visual relationship between the Hall and the Listed Buildings to the north.

Alongside the above, this area of land has historically remained undeveloped, except for small outbuildings and the existing openness, provides a valuable contrast between the higher density properties in which surround the site, along with an important vista which looks down onto the listed buildings to the north. The open nature of the site also plays an important role in views down Linfit Fold from Linthwaite Hall. Therefore, development as proposed would impact on the visual relationship between the Hall and the Listed Buildings to the north. As such, it has been considered that to construct a residential dwelling at the site, will substantially dominate the site and would harm the setting of the surrounding listed buildings and would be contrary of design principles 2, 5 and 6 of the Councils Housebuilders Design Guide SPD.

More so, the development of the land for housing would cause a high level of harm to the setting of the adjacent listed buildings (to the north) and a moderate level of harm to the setting of Linthwaite Hall, however, this would still be less than substantial.

Paragraph 202 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.

In this case, no public benefits have been put forward within the submitted heritage statement, apart from a brief paragraph regarding the scale and materials of the development being sympathetic to the surrounding properties. Any public benefit provided by the provision of a single dwelling is considered slight in comparison to the level of harm the development would cause. The application has therefore not met the requirements of paragraph 202.

Alongside this, the adopted Local Plan has allocated appropriate land for the provision of housing to meet the 5 year land supply for the district.

Therefore, whilst no amendments have been sought as part of this resubmission to position the dwelling further to the south of the site, concern is still raised regarding the uncomfortable relationship in which the development would have with the surrounding properties. Great weight has been afforded to the conservation of the heritage assets, especially Linthwaite Hall. As such, it is considered that a cramped layout would need to be achieved, in order to provide both an acceptable visual and residential finish, which in turn would result in the overdevelopment of the application site that would harm the character and appearance of the local area and the setting of a number of listed buildings. The application would therefore fail to accord with Policies LP24 and LP35 of the Local Plan, Principles 2, 5 and 6 of the Councils Housebuilder Design Guide SPD and Chapters 12 and 16 of the NPPF.

3. Impact on residential amenity

The application is at outline stage with all matters reserved. Therefore, the impact the proposed development would have on the amenities of the occupants of the neighbouring properties cannot be fully assessed at this stage. However, an indicative layout has been provided and this layout is considered to provide a good indication of how the site may be developed. In this case, the size and scale of the development appears to be smaller than what was submitted as part of the 2020 permission, however further concern is raised regarding the level of internal accommodation for the future occupiers.

With regard to amenity, Policy LP24 of the Local Plan advises that proposal should ensure that a high standard of amenity is achieved for future and neighbouring occupiers. This is also supported by Chapter 12 of the NPPF. The key assessment of the proposal is the impact the proposed dwellings would have on surrounding dwellings. This further supported by Design Principle 6 of the House Builders Design Guide. The impact of the development on each property will be assessed in turn.

1, 3, 5 and 7 Linfit Fold are the back to back properties to the North of the application site. Having undertaken a site visit, it has been noted that these neighbours main habitable room windows directly overlook the application site.

As such, it has still been considered that the proposed development would have a significant overbearing and oppressive impact upon these neighbours amenity, along with their outdoor amenity space. This is due to the sloping nature of the site, which would result in any potential development being on a greater level than these neighbours. With regards to the indicative plans, these show a two storey dwelling to be proposed, which would be within 10m from the nearest elevation at no. 3 and 14m from no. 5.

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

9 Linfit Fold is the residential property to the South of the application site. Whilst these neighbours are situated on a slightly higher level than the application site, it has been noted that there would be some overbearing impact from the proposed dwelling, as habitable room windows exist within these neighbours northern facing elevation. The indicative layout also shows the dwelling to be situated closer to these neighbours, when compared against the 2020 permission, resulting in only a separation distance of 9m. For these reasons, it is likely that the development would have a significant impact upon these neighbours amenity with regards to overbearing and overshadowing. No new windows are proposed within the southern elevation; however, this would need to be fully assessed at the reserved matters stage.

1087 Manchester Road is the residential dwelling to the North East of the application site. Whilst it has been noted that there is some boundary treatment between these neighbours, concern is raised regarding the potential impact from having a new dwelling within this plot, as it is currently vacant from any permanent built form. For these reasons, it is likely that there will be some overbearing and overshadowing, on these neighbours private amenity space. In terms of overlooking, it is considered that an acceptable level of amenity could be achieved at the reserved matters stage.

2, 4 , 6, and 8 Linfit Fold are the residential properties to the West and South West of the application site. Officers have noted that these neighbours are situated on a substantially higher land level due to the change in the topography in the area and therefore any overbearing and overshadowing is unlikely to be undue. With regard to overlooking a separation distance of approximately 15m including the highway would be achieved to these neighbours from the indicative dwelling. This may be acceptable in order to protect both parties amenity, however, a full assessment would need to be undertaken at the reserved matters stage.

Future amenity of the occupiers

Whilst officers acknowledge that the plans submitted as part of this proposal are indicative, they provide a reasonable demonstration to the level of internal floor space likely to be achieved. In this case, the development proposes a two storey, two bedroom dwelling in which would have an internal floor space, significantly below the governments technical housing standards at 64 sq. m. This would be 15 sq. m below the national guidance and would be contrary to paragraph 9.1 of the Council's Housebuilders Design Guide SPD. This therefore demonstrates that an appropriate level of amenity cannot be created, in a way that does not result in the overdevelopment of the site.

Based on the details held, officers considered that the proposed development would result in a loss of amenity to the occupiers of surrounding residential properties, by reason of potentially detrimental overbearing, overshadowing and overlooking. The development is therefore, contrary to Policy LP24b of

the Kirklees Local Plan and principle 6 of the Councils Housebuilders Design Guide SPD which states 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”.

4. Impact on highway safety

Turning to highway safety, Policies LP21 and 22 of the Local Plan are relevant which seeks to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. The application has also been assessed by the Highway DM Officers who have considered the indicative layout.

In this case, the indicative layout submitted by the applicant shows a two-bedroom dwelling with two off-street parking spaces provided. Bin storage is also shown, with adequate driveway space to allow for collection from the carriageway edge.

Access would be taken onto the public highway via Linfit Fold. Although internal turning is not provided, Linfit Fold is not a classified highway and therefore it is not essential to provide the ability to enter and exist the site in forward gear.

Therefore, the indicative layout is acceptable from a highways perspective, however, the parking arrangement would not be suitable for a dwelling of three beds or more, so Highways Officers would expect this level of living space to be retained, in the case of any future reserved matters application.

Should the application be acceptable in principle, highways officers have requested that conditions are attached to the decision notice with regards to the closure of the existing access and the laying of the driveway in a permeable surface. This is to accord with Policies LP21 and LP22 of the KLP and the aims of the Councils Highways Design Guide SPD.

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

In this case, it has been considered that the proposed development would have a negative impact on climate change as it would result in the development of an open space. Although any new building would be constructed to modern building standards and could be designed to be thermally efficient and include an orientation which supports solar gain, this does not outweigh the concerns regarding the principle of development.

Ecology

The site is an open space which is considered to be of low ecological value. Nonetheless, appropriate ecological enhancements could be secured via condition in accordance with Policy LP30 of the KLP and Chapter 15 of the NPPF.

Trees

KC Trees have been formally consulted as part of this application, as the site has a single tree TPO (ref 22/80/T1) on it. There are no protected trees on the site anymore as this protected Ash tree was removed following an application in 2006. A condition of that removal was that a replacement Hornbeam would be planted in the same place. At the time in which the site visit was undertaken, there was no evidence to suggest that the replacement tree had been planted and therefore the proposal provides the opportunity to correct that.

As such, KC Trees have raised no objection to the principle of developing the site for residential use but have advised that a note is made that a Fastigate Hornbeam Tree should be included in the road frontage as part of any reserved matters application, in accordance with Policy LP33 of the Kirklees Local Plan.

6. Representations

As a result of the above publicity, 8 representations have been received, in objection to the scheme. A summary of the concerns raised are as follows:

General concerns:

- Linfit fold is a special pocket in Linthwaite, that is highly valued for its historic nature
- The development is within a close proximity to Linfit Hall dating from the 16th Century
- To build on this plot would destroy a valued part of heritage and would block out any views of the cottages, creating a hazard for both pedestrians and motorists.
- The heritage statement is misleading
- Discrepancy over the number of bedrooms provided.
- The replacement tree still has not been planted.

- The proposal would destroy natural habitats and the existing landscape.
- There would be an added pressure on the drainage and sewage system.
- The heritage statement does not take into account all of the other properties in the area, which are also listed.

Comment: The concerns have all been noted.

Design concerns:

- Concerns over the final finish of the dwelling.
- The dwelling would be built largely out of artificial materials and would be out of character.
- The site is too small for such a dwelling.
- The building appears to be shoehorned into the available space – as had the previous application which was refused last year.

Comment: The concerns have all been noted and a full assessment upon visual amenity and heritage can be seen within section 2 of the report.

Residential concerns:

- Overbearing and overshadowing of nearby properties.
- The development would block the views and affect the light available into nearby dwellings.

Comment: The concerns have all been noted and a full assessment upon residential amenity has been undertaken within section 3 of the above report.

Highway concerns:

- The proposal would cause further congestion.
- The driveway would be a hazard for sight lines.
- The site is currently used for the parking for vehicles for neighbouring properties, where will these cars be displaced?
- Concerns over access for existing residents.
- The construction phase would cause safety issues.
- There is no footway along Linfit Fold and the additional vehicles would pose a danger.
- Access is close to the junction with the A62 and there are usually cars parking opposite the junction, making it difficult to see around the corner.

Comment: These concerns have been considered by KC Highway DM, as part of their consultation response. A full assessment can be found within section 4 of the report.

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: 2021/92462

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed residential development, in relation to plot size and taking into account its relationship with surrounding development, would represent a cramped form of development constituting an overdevelopment of the site. It would fail to add to the overall quality of the area or result in a scheme that is visually attractive. Furthermore, the proposal, would fail to preserve or enhance the setting of the neighbouring listed buildings, by occupying a substantial part of the existing open space, which is currently used to contrast with the built form and to provide views of the listed buildings, particularly those to the North. The development would therefore cause harm to the significance of the designated heritage assets and to the wider visual amenity of the area. No public benefits have been put forward to outweigh the identified harm to the setting of the listed buildings. 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, Principle 2 and paragraph 6.12 of the Council's Housebuilders Design Guide SPD and Chapters 12 and 16 of the National Planning Policy Framework.
2. The proposed residential development, when taking into account the changes in topography in the surrounding area and the close proximity between the application site and the principal elevations of 1, 2, 3, 5, 7 and 9 Linfit Fold, would have a significant overbearing and oppressive impact upon these neighbours amenity and outlook and could potentially lead to detrimental overlooking. This would not provide a high standard of amenity for neighbouring occupiers, contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Council's Housebuilders Design Guide and paragraph 127(f) of the National Planning Policy Framework.

Plans and specifications:

Plan Type	Reference	Version	Date Received
Location plan, site plan and indicative floor plans and	HD.20.33.01	-	17 th June 2021

elevations.			
Heritage statement	-	-	17 th June 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 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 application in principle, is considered unacceptable and therefore no amendments have been sought.

Date: 27th September 2021.