

**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: 2021/62/93704/W

Site Address: Land between 25 & 27, Grasmere Road, Meltham,
Holmfirth, HD9 4HF

Description: Erection of detached dwelling

Recommending Officer: John Holmes

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: 15/11/2021

Officer Report – 2021/93704

Site Description

The application site relates to an area of land between no.25 and no.27 Grasmere Road, Meltham. A public right of way (ref: - MEL43/10) runs in a north / south direction adjacent to the western boundary of the site. To the further west, east and north of the site are terraced properties of a similar type, age and design. To the south of the site is the garden space for no.25 with a highway (Millbank Road) and open land beyond.

From the southern boundary of the site the land slopes steeply downwards towards the south. Grasmere road is a narrow street which is characterised by on street parking which further restricts the flow of traffic along the road.

The site accommodated a car parking space and an outbuilding for the use of no.25 in the past as well as mature trees and vegetation which, at some point between 2009 and 2012, has been cleared. The concrete pad which provided the driveway remains in place. The site currently consists of grass and concrete pad.

Description of Proposal

The Scheme

The applicant is seeking permission for one dwelling.

The proposed dwelling would be detached and located on land between no.25 and no.27 Grasmere road. The proposed dwelling would be across three floors with the second floor being within the roof space. The height to the eaves of the proposal would be 5.8m and height to the ridge of 8.3m.

The adjacent property (no.25) has eaves 5.3m and height to the ridge of 7.8. The proposal would be between this and the other adjacent property (no.27). The proposal would be set back from no.27 by 1.8m.

The proposal would be for a 4 bed dwelling with an open plan kitchen / dining room and lounge at ground floor level and bedrooms and 1st and 2nd floor level. A bathroom would be at the 1st floor level and the bedroom at the second floor level would accommodate an ensuite bathroom.

An area for car parking would be to the front of the proposed dwelling, this would be 7.56m wide and 5m deep with a 2.2m wide access to this parking area. A footpath would run to both sides of the property and also to the front of the proposed dwelling. A garden area which is 42m² in size would be to the rear of the dwelling. No garden area / landscaping is proposed to the front of the proposed dwelling.

History of Negotiations / Amendments Received

No amendments have been requested by Officers on the basis of the assessment of the proposal, and consideration that amendments to the scheme would not overcome concerns in regard to the scheme which is proposed. This is discussed in greater length within the 'Assessment' section of this report.

Relevant Planning History

There is no planning history associated with the application site.

It is noted a pre application enquiry (ref:- 2017/20361) which sought advice for development of the land within the red and blue line for three dwellings was sought and provided in 2017. The content of this has been reviewed although it is noted there has been the adoption of the Kirklees Local Plan and Supplementary Planning Documents since the submission (and response to) the pre applicaiton enquiry.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as affecting a public right of way on the Council's website, by neighbor notification, site notice and by press advertisement. The expiry date of the publicity period was the 10th November 2021.

Meltham Town Council have commented upon the application, no comments have been received at the time of writing this report.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

Highways Team (Kirklees Council) – No response received

Public Rights of Way Team (Kirklees Council) – No response received

West Yorkshire Police Architectural Liaison Officer – No objection

The response of the above consultee is discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site is located within an area with a known presence of Bats / Twite birds and an

area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity and Geodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to also be of relevance

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 Achieving sustainable development
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents

- Kirklees Highway Design Guide (adopted November 2019)
- Housebuilders Design Guide SPD (adopted June 2021)

In particular principles 2, 4, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide are considered to be of relevance.

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Visual Amenity, Character and Appearance
3. Residential amenity
4. Highway safety
5. Climate Change
6. Protected species
7. Safety / Security
8. Conclusion

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is without notation on the Kirklees Local Plan (KLP). Policy 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 chapter 2 of the National Planning Policy Framework.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP3 requires development to reflect the settlements size / function and need to provide new homes. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided

that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. The site is approx 180m² which provides a housing density of 50 dwellings per hectare and accords with LP7 and Principle 4.

The site, being open, with a small area of hardstanding and grassed to the remainder is not considered to be of high environmental value and, being within an existing developed location is considered to be sustainable with access to services / amenities and public transport links.

The proposal would lead to the erection of new residential dwellings and therefore it is considered appropriate to consider the Councils housing land supply 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).

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 site is located within a predominantly built-up area in Marsden and is within proximity to bus routes within reasonable walking distance of the Town Centre. The proposal would make an efficient use of land it is therefore considered to be sustainable development.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

2 – Visual Amenity, Character and Appearance

Section 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. Paragraph 130 of the NPPF requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 134 states that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Local Plan Policies LP1, LP2 and most importantly LP24, are all 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.

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Local Plan Policy LP24(a) 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'*.

Principle 5 of the Housebuilders Design Guide 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. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. 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.

The proposal would be two storey and have an eaves height above the property to the north east (no.25 Grasmere Road) and lower than that of the property to the south west (no.27). The properties to the north east and south west are terraced dwellings which form part of a block of terraced houses which have openings of the same proportions and the same eaves / ridge height to the roof. There is a clearly defined building line within the street with the front elevations of all properties being set on this same line.

The submitted plans set out the intention to construct the dwelling in materials to match those used in the construction of neighbouring properties.

The street is characterised by a mix of small garden spaces to front which accommodate existing landscaping and rear gardens of the adjacent street. Hedgerows, trees and other greenery are a characteristic of the street to which the existing site currently makes a contribution.

The proposal would see windows of a slightly smaller height but similar design and width proposed as well as a number of openings in the roof space. On balance it is considered the openings to the front would accord with principle 14 in this case.

However, the proposed dwelling is set back from the street further than existing buildings are and features no soft landscaping to the front. The impact of the proposal in this regard is not considered to harmonise with the character of the street and is concluded to lead to a development which has an incongruous impact visually. This element of the scheme is not considered to accord with principles 5 and 12 of the Housebuilders Design Guide.

Whilst the proposal is considered to be acceptable in terms of the proposed materials, and openings, it is considered the development would not be acceptable in terms of design and is not considered to accord with policies LP24 & LP11 of the KLP, principles 5 and 12 of the Housebuilders Design Guide and paragraphs 130 and 134 of the NPPF.

3. Residential Amenity

Policy LP24 (part b) requires development to provide a high standard of amenity for future and neighbouring occupiers.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The proposal would provide a 42m² (approx) area which would host a small decking area and garden space which would be private and able to be utilized for drying clothes / child's play and other activities. An area to the rear / side of the dwelling would be able to be used for bin storage.

The proposal is therefore considered to be acceptable in terms of bin storage and amenity space provision.

The proposal would be 1.9m from the side of no.25, which has a blank side elevation. Access to the rear of the property is provided by two pathways to the side, one being 0.9m in width the other 1.1m.

The proposal would protrude beyond the rear of no.25 by 5.3m. For the first 2.2m this would be two storey, the remainder would be single storey, with the single storey set further from the side of no.25 (2.6m). The side of no.27 is 3.7m from the side of the host property, a small high level window is to the side of no.27 facing the proposal.

Given the distance of the proposal from neighboring occupiers, and the design of the proposal incorporating a single storey element to the rear, it is considered that the dwelling would not have a significant impact upon the occupiers of these dwellings in terms of overshadowing / being unduly oppressive. Furthermore, the proposal is not considered to lead to any unacceptable level of overlooking given all openings would be to the front and rear facing the rear amenity space, and street to the front.

Nationally prescribed space standards (NDSS) for a four bedroom dwelling are that 130m² is provided with 3m² of built in storage. Such a standard is a 'worst case' scenario based on 8 bed spaces. This proposal would see 7 bed spaces provided, and 147m² (approx) of floor space with a utility and kitchen with in built storage space and potential for accommodation of storage within all the bedrooms. As such the proposal is considered acceptable having regard to the NDSS.

It is therefore concluded that the proposal would have an acceptable impact upon the amenity of future occupiers of the dwelling and existing neighbouring occupiers. The proposal is therefore concluded to accord with Policy LP24 of the KLP, Principle 7 and 16 of the Housebuilders Design Guide and policies within Chapter 12 of the NPPF.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are relevant to the consideration of this application. The Kirklees Highways Design Guide is also of relevance in the consideration of this application.

Part F of policy LP22 requires that new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance.

The Council's Highways Design Guide (adopted 2019) details parking standards required for residential development. The Highways Design Guide sets out parking standards required to be achieved. In the case of 3 bed houses the off street parking spaces to be provided is 2. For houses with a total of 4 or more bedrooms this requirement increases to 3 off street spaces. The adjoining dwelling has utilised the site for parking in the past, the proposal would not only remove potential for the adjacent property to use this land for parking, but also introduce further residential use in the street with a wide driveway which would reduce the areas upon the street which could be used for on street parking.

Grasmere Road is also restricted in width to 4.6 metres from scaling the submitted site plan and has no footways. The 4.6 metres width provides insufficient depth for a vehicle to manoeuvre into and out of the space. Typically 6 metres needs to be achieved to easily enter and exit a parking space. When such a depth cannot be achieved swept path analysis should be provided to demonstrate how vehicles would manoeuvre into and out of the spaces, however none has been submitted. It is also noted that the detailed parking area is restricted to 7.5 metres in width with a depth of 4.8 metres, with a dwarf retaining wall in front of the house, which is minimum dimensions of parking spaces and provides no addition space for the tight manoeuvres which would be required to enter or exit the spaces. It is therefore likely that the spaces would be under utilised and or difficult to use requiring multiple

manoeuvres to use them. It is noted that other existing spaces along Grasmere Road mainly appear to be garage spaces, all of which are set back from the highway edge providing further space to manoeuvre.

Principle 12 of the Housebuilders Design Guide states that at the outset of the development, applicants should identify the need for car parking, in addition this principle requires the provision of cycle storage and that parking is not accommodated only by parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings.

Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.

The proposed development does not account for the loss of parking both on and off street which would result, or provide a creative solution to parking for both the proposed dwelling and no.25 that suitably addresses the street. The proposed parking arrangements would see a large area of hard standing which would be difficult to manoeuvre three cars into. Additional traffic and on street parking would result from the proposal in an area where on street parking dominates the street, with the highways being narrow and difficult for vehicles to navigate.

The proposal would see a shortfall in parking provision for the adjacent dwelling where clearly there has been provision for suitable numbers of off street spaces in the past. The loss of parking provision for no.25 and loss of on street parking in conjunction with the increased level of activity associated with the proposed development is not considered to be in accordance with the Councils Highways Design Guide Principle 12 of the Housebuilders Design Guide / policy LP22 of the Kirklees Local Plan.

5. Climate Change

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

Furthermore, 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.

Considering the scale and nature of the proposed development, and measures which would have to be incorporated as part of the process for gaining building regulations approval, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Principle 18 of the Housebuilders Design Guide and Chapter 14 of the National Planning Policy Framework.

6. Impact upon Protected species

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the site does not host vegetation / trees which are considered to provide suitable roosting / foraging habitat. It is therefore considered it would be unreasonable of the LPA to insist upon submission of a bat survey as part of this application.

7. Impact upon Safety / Security

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 92 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

The proposal would see a public footpath further enclosed by the built environment, in this case creating another gable end building opposite the existing gable end which already faces this footpath. The gable end of the proposed dwelling would be 1m from the boundary with the public footpath. No concerns have been raised by the West Yorkshire Police Architectural Liaison Officer following consultation about the proposal.

As such, given dense hedging and trees appeared to be along the boundary with the footpath in the past, which would have an equally enclosing impact, and response of West Yorkshire Police, it is considered that it would be unreasonable of the LPA to refuse permission on the basis of impact upon the impression of safety / security provided for users of the footpath. A note regarding the presence of the footpath would be attached to any approval.

8. Conclusion

On the basis of the conclusions drawn within the 'Visual Amenity, Character and Appearance' section of this report insofar as the development is not considered to accord with policies

LP24 & LP11 of the KLP, principles 5 and 12 of the Housebuilders Design Guide and paragraphs 130 and 134 of the NPPF it is considered that as a consequence of such conclusions being drawn the proposal does not accord with policies LP1, LP2 and LP11 of the KLP and the principle of development is unacceptable in this case.

With regard to parking the proposal is considered to set out parking arrangements which would be difficult for three cars to easily utilise, removes off street parking provision for no.25 and would reduce the usability of the street for on street parking in an area dominated already by on street parking and with constrained access arrangements.

The land the subject of this application has clearly been used in connection with the adjacent property for the purposes of car parking. The proposal, being for a detached house is considered to be of a contrived design which does not take account of the locality and would result in a detrimental loss of car parking, including potential for on street parking.

The proposal is therefore considered to not constitute sustainable development for which planning permission should be granted and is recommended for refusal.

Decision Authorisation - Delegated Powers

Application Number: 2021/93704

Officer Recommendation: Refuse

Reason(s):-

1. By virtue of its prominent location, siting, hard landscaped frontage and design the proposed dwelling would fail; to harmonise with the character of the street and wider locality and would read as an incongruous addition contrary to policies LP1, LP2, LP11 & LP24 (a) of the Kirklees Local Plan, Principles 5 and 12 of the Council's adopted Housebuilders Design Guide SPD and paragraphs 130 and 134 of the National Planning Policy Framework.
2. As a result of the loss of off street parking provided by the application site, the loss of on street parking brought about by the development , and the restricted width of Grasmere Road which would make manoeuvres into the spaces difficult, the proposal would have a detrimental impact upon parking arrangements in an area dominated by on street parking and having constrained access arrangements contrary to Policy LP21 (a) and LP22 (e & f) of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide SPD and the Council's adopted Highways Design Guide SPD.

Plans and specifications schedule: -

Plan / Document Type	Reference	Version	Date Received
Location Plan	LP01	-	20 th September 2021
Proposed Plans	2021/050/03RevA	-	20 th September 2021
Application Form	-	-	20 th September 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. No amendments were sought as it was considered that the proposal was unacceptable as submitted and amendments could not overcome the reasons(s) for refusal.

Report Dated: 12th November 2021

Coal – Low

