

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:	2021/60/94410/W
Site Address:	land at, Olney Street, Slaithwaite, Huddersfield, HD7 5EG
Description:	Outline application for erection of residential development
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: 25-Feb-2022

Officer report

Site description

The site relates to three detached garages out of a row of 6 on land adjacent to 33 and 35 Crimble Bank. Surrounding the site is predominantly residential in character, comprising of dwellings of a variety of sizes, ages and designs. Immediately to the rear of the site are allotments in which are situated within designated Urban Green Space. However, the site itself is unallocated on the Kirklees Local Plan.

Description of development

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

An indicative plan and elevations have been provided as part of this application, which shows a two storey dwelling.

History of negotiations or amendments sought

No amendments have been sought.

Relevant Planning History

At the application site:

2020/90406 Outline application for demolition of garages and erection of detached dwelling - Withdrawn

2019/20334 – Pre application advice for erection of one dwelling – Concern was raised as part of this application with regards to overdevelopment and the impact in which the proposal would have on visual and residential amenity

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on the 10th January 2022, whereby 4 neighbour representations have been received. A summary of the objections raised are as follows:

Impact on residential amenity:

- The development would obstruct my view.
- Overlooking into neighbouring properties.
- From what we can see, the property appears to be really small and we're not sure if it complies with national space standards for a residential dwelling.

Impact on visual amenity:

- The building is not in keeping with the existing properties within the area
- The properties on the same side of the road leading up to the proposed plot are all single storey bungalows, then a row of garages. It would seem strange to have a taller, 2-storey property placed in the middle of single-story properties.

- We feel that the proposed property would be in a strange position and 'squeezed' into a small space between an existing row of garages and parking spaces, which doesn't feel like an appropriate setting for a residential property.
- The proposal seems advantageous to build a 2-bedroom dwelling and a double driveway on such a small plot of land.
- The double parking space also looks too small to comfortably accommodate two cars.

Impact on parking and highway safety

- Olney street is already at full capacity when it comes to parking.
- Double yellow lines have been requested on many occasions, but nothing has been done by Kirklees Council.
- The development of the site would mean that turning on the street would be more difficult.
- Parking is already illegal and dangerous at the moment, so the addition of any dwelling and drive would further restrict parking on that side of the street.
- Loss of 4 / 5 parking spaces.
- Allocated disabled spaces mean parking is very much at a premium.
- By removing this turning space, we feel it would cause issues for larger vehicles, such as the residents with vans who currently park at the side of the proposed plot, delivery drivers, bin lorries, emergency services, etc. It's likely that such larger vehicles would need to reverse all the way back down Olney Street to be able to get out of the street, which we feel poses a risk to other parked vehicles or children playing on the street.

General concerns:

- The development would cause considerable disruption to the elderly residents in the sheltered accommodation.
- Large elderly population, vehicles (carers, ambulances etc regularly visit).
- Elderly residents no access to computers to enable them to raise objections.
- No notice gone up on this occasion but there was one on the previous application.
- No residents received correspondence.
- Can an extension for comments to be received be provided beyond 5 January?
- The drawings provided don't appear to be to scale, and there's no scale bar, so it's tricky for us to understand the actual size of the proposed property.
- Will the property be lived in by the applicant or will it be sold/rented once build?

Consultation responses

- **KC Environmental Health:** No objections subject to conditions being attached in the case of approval with regards to air quality and land contamination.
- **KC Highways DM:** The proposal can be supported in principle subject to several issues being address. More information can be found within section 4 of the report.

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.

Kirklees Local Plan Policies:

- **LP1** – Presumption in favour of sustainable development
- **LP2**– Place shaping
- **LP3**– Location of new development
- **LP11** - Housing Mix and Affordable Housing
- **LP21**– Highway safety
- **LP22** – Parking Provision
- **LP24**– Design
- **LP30** - Biodiversity
- **LP51** – Protection and improvement of local air quality
- **LP53** – Unstable and contaminated land

Supplementary planning documents (SPD)

- Housebuilders Design Guide
- Highways 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

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 LP2 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 2 storey 2 bedroom dwelling with 2 off street parking spaces. Therefore, it is appropriate to consider the LPA's 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 5.17 years supply.

As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

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 contribute to the housing supply in the district. However, the provision of housing needs to be balanced against all material planning considerations outlined below.

2. Impact on visual amenity

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, The Housebuilders Design Guide SPD outlines the position with regards to good residential design, in order to raise the quality of housing that is delivered across the district.

This is also reinforced within Chapter 12 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. Policy LP7 supports the efficient use of land and this is further detailed in Chapter 11 of the NPPF. The Housebuilders Design Guide SPD provides a set of design principles to be followed for new development and these will be assessed in turn.

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 seeking 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 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’.

The application site is 150 square metres in size, which is considered to be limited for a two storey 2 bedroom dwelling which needs to provide off street parking. Therefore, there is concern that the plot is of an insufficient size to accommodate a detached dwelling. An indicative layout plan has been provided to demonstrate how the plot could be developed, and it is considered that this would be the most likely arrangement to achieve access and parking for the dwelling, whilst still retaining a level of outdoor amenity space.

There are concerns with the layout proposed and it is considered that there would be similar concerns with other layouts put forward given the limited size of the plot. With regards to the indicative scheme, the dwelling shown has an internal floorspace of 62 sq.m, which would fail to meet the technical space standards for such a dwelling, where at least 70 sq.m should be provided, to achieve this increase in dwelling, would require a greater footprint and further development of the already small plot. The parking spaces shown are also of insufficient width, where they are shown to be 4.5 metres wide and would need to be ideally 6.4 metres wide to be workable as detailed in the highway section of this report, increasing the parking area would further develop the plot. In addition, as set out within the Highways section of this report, the

submitted layout does not detail the provision of a 2 metre wide footway as would be required to make the scheme acceptable in highway terms, or even the existing footway which is evident on site. Providing the footway would further reduce the developable area of land again and make the proposed parking layout further unworkable. Furthermore the dwelling is shown to be within 0.25m of the north eastern boundary, where Officers would normally expect at least 1 metre to be achieved to allow sufficient space around the dwelling. Finally the depth of amenity space provided to the rear would be severely restricted at 3.5 metres depth.

It is noted that paragraph 7.19 of the SPD advises that 10.5 metres should be achieved to undeveloped land and the land to the rear of the site is undeveloped. Whilst achieving only 3.5 metres to this land, the land forms urban greenspace and is protected against development. Therefore this shortfall in separation distance is considered to be acceptable.

In light of the above it is therefore considered that the development of the site for a dwelling would represent a cramped and contrived form of development that would be an over development of the plot and would out of keeping with the character and appearance of the local area. The proposal would fail to accord with Policy LP24 of the KLP, Principles 2, 5 and 6 of the Councils Housebuilder Design Guide SPD and Chapter 12 of the NPPF.

3. Impact on residential amenity

The application seeks outline consent 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.

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.

Furthermore, the following principles within the Housebuilder Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

33 and 35 Crimble Bank are the neighbouring properties to the South of the application site. It has been assessed that a separation distance of approximately 15m could be retained to their outdoor amenity space, along with 22m to their nearest northing facing elevation. For these reasons, officers are satisfied that dependant on the size and scale of the dwelling, an acceptable level of amenity is likely to be retained at these neighbours, with regards to overbearing, overshadowing and overlooking.

34 and 36 Olney Street are the neighbouring properties to the West of the application site. It has been noted that a separation distance of 11.5m would be retained from the nearest eastern facing elevation at these neighbours to the nearest boundary at the application site. The development would also be obscured by the large, detached garage in which is outside the red line boundary for this application.

Therefore, it is likely that acceptable separation distances could be achieved in line with Principle 6 of the aforementioned design guide. As such, subject to size, scale and the location of new windows, it is likely that a scheme could be achieved in which would not have a material impact upon these neighbours amenity.

Future amenity of the occupiers

Whilst officers acknowledge that the plans submitted as part of this proposal are indicative with regards to appearance, the development proposes a two bedroom dwelling in which would have an internal floor space of 62 sq.m. This is significantly below the Governments 'Technical Space Standards' which sets out that a dwelling of this size should have an internal floor space of 70 sq.m. As such, the development would be contrary to the aforementioned guidance document and Paragraph 9.1 of the Councils Housebuilders Design Guide. This therefore demonstrates that an appropriate level of amenity cannot be achieved at the site, in a way that doesn't result in the overdevelopment of the plot.

In conclusion, based on the details held it is likely that the development could retain an acceptable level of amenity to the surrounding residential properties. However, the level of amenity for the future occupiers would be unacceptable. This would be contrary to local and national planning policy.

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 Highways Design Guide SPD has also been considered along with highway section in the House Builders Design Guide SPD. The application has also been assessed by the Highway DM Officers who have considered the indicative layout.

The application site is part of a row of existing garages fronting onto Olney Street which is an adopted cul-de-sac off Meal Hill Lane. The proposal is to remove 3 existing garages and to construct a single detached 2 bedroomed house on the plot. Parking for 2 vehicles is shown to the site frontage.

In this case, whilst the proposal can be considered acceptable in principle from a highways perspective several issues are outlined below in which would need to be addressed:

1. There is no kerbed footway to the site frontage and a 2.0m wide footway should therefore be shown to be provided.
2. The size of the parking spaces is too small at to 4.5 in width and 4.4m in depth. Parking spaces should be 3.2 m in width x 5.0m in length
3. Bin collection points should be provided to enable bins to be presented on collection day without either obstructing the highway or proposed driveway.

Therefore, should the application be considered acceptable in principle, the aforementioned details would need to be provided as part of a reserved matters application. 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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, it has been considered that the proposed development would have a positive impact on climate change as the existing garages would be demolished in order to provide a new dwelling in which would be constructed to modern building standards. The dwelling could also be designed to be thermally efficient and include an orientation in which supports solar gain. However, 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.

6. Representations

As a result of the above publicity, 4 neighbour representations have been received. A summary of the objections raised, along with officer correspondence are as follows:

Impact on residential amenity:

- The development would obstruct my view.
Comment: This is not a material planning consideration and therefore cannot be afforded any weight.
- Overlooking into neighbouring properties.
- From what we can see, the property appears to be really small and we're not sure if it complies with national space standards for a residential dwelling.
Comment: A full assessment upon the impact on residential amenity for both the existing neighbours and future occupiers can be found within section 3 of the above report.

Impact on visual amenity:

- The building is not in keeping with the existing properties within the area
- The properties on the same side of the road leading up to the proposed plot are all single storey bungalows, then a row of garages. It would seem strange to have a taller, 2-storey property placed in the middle of single-story properties.
- We feel that the proposed property would be in a strange position and 'squeezed' into a small space between an existing row of garages and parking spaces, which doesn't feel like an appropriate setting for a residential property.
- The proposal seems advantageous to build a 2-bedroom dwelling and a double driveway on such a small plot of land.
- *Comment: A full assessment upon the impact on visual amenity can be found within section 2 of the above report.*

Impact on parking and highway safety

- Olney street is already at full capacity when it comes to parking.
- Double yellow lines have been requested on many occasions, but nothing has been done by Kirklees Council.
- The development of the site would mean that turning on the street would be more difficult.

- Parking is already illegal and dangerous at the moment, so the addition of any dwelling and drive would further restrict parking on that side of the street.
- Loss of 4 / 5 parking spaces
- Allocated disabled spaces mean parking is very much at a premium
- The double parking space also looks too small to comfortably accommodate two cars.
- By removing this turning space, we feel it would cause issues for larger vehicles such as the residents with vans who currently park at the side of the proposed plot, delivery drivers, bin lorries, emergency services, etc. It's likely that such larger vehicles would need to reverse all the way back down Olney Street to be able to get out of the street, which we feel poses a risk to other parked vehicles or children playing on the street.

Comment: KC Highways DM have been formally consulted as part of this application. Their full comments can be found within section 4 of the report.

General concerns:

- The development would cause considerable disruption to the elderly residents in the sheltered accommodation.
- Large elderly population, vehicles (carers, ambulances etc regularly visit)

Comment: These concerns have been noted, if deemed to be acceptable a construction management plan could be secured by condition to ensure that there is no adverse impact at the time of construction.

- Elderly residents no access to computers to enable them to raise objections.

Comment: These concerns have been noted, however, the Council accept neighbour representations via the internet or in writing.

- No notice gone up on this occasion but there was one on the previous application

Comment: This has been noted, however, the Council has undertaken statutory publicity in line with the Council's Development Management Charter and no site notice was required for this type of development, letters were sent out to neighbouring properties advertising the application.

- No residents received correspondence

Comment: Neighbour letters have been sent to all nearby properties in which surround the application site.

- Can extension for comments to be received be provided beyond 5 January.

Comment: The publicity period expired on the 10th January 2022.

- The drawings provided don't appear to be to scale, and there's no scale bar, so it's tricky for us to understand the actual size of the proposed property.

Comment: The plans submitted are indicative, however, they have been drawn to an appropriate scale.

- Will the property be lived in by the applicant or will it be sold/rented once built?

Comment: This is not a material planning consideration.

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: 2021/94410

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 and contrived 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. Therefore, the development would be contrary to Policy LP24 of the Kirklees Local Plan, Principles 2, 5 and 6 of the Councils Housebuilder Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan and existing site plan	OS3/P01	-	29 th November 2021
Indicative site plan, floor plan and elevations	OS3/P02	-	29 th November 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.

Dated: 24th February 2022