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:	**2021/62/94537/W**
Site Address:	106, Woodside Road, Beaumont Park, Huddersfield, HD4 5JW
Description:	Erection of replacement dwelling
Recommending Officer:	William Simcock

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 2nd May 2022

Officer Report 2021/94537
106 Woodside Road, Beaumont Park

Site Description

106 Woodside Road is a rendered detached bungalow with a double pitched roof finished in red flat interlocking tiles. It has an L-shaped plan, with the main elevation facing south-east and with an additional projecting element at its northern (rear right-hand) corner forming a kitchen. There is also a single spar panel garage placed along the north-eastern boundary at the rear. The property has gardens front and rear and a single-width driveway providing highway access at the eastern corner of the site. The plot is level but there is a gentle downward gradient along the street from west to east.

The property lies within an area dominated by two-storey detached houses which mostly appear to date from the 1930s but show some variation in style and materials.

Description of Proposal

The proposal is for the demolition of the existing dwelling and the erection of a two-storey replacement dwelling.

The two-storey element would measure 9.2m front to back, an increase of 1.1m, but would conform to the footprint of the existing walls to the front and sides. The single-storey kitchen / dining room would project a further 4.2m beyond this, the same width. Attached to the north-eastern corner of the kitchen / dining room would be an annexe forming a gym and office, 7.2m by 3.5m and placed 700mm from the eastern boundary. Ground floor to ridge height of the two-storey element would be 8.4m.

On the right-hand side at the front, there would be a cantilevered element at first floor with a void below, and a timber-boarded porch in the opposite corner.

The dwelling would contain a lounge, kitchen-dining room, utility room, cloak room and games room at ground floor, with four bedrooms above.

The palette of materials is listed on the application form as “natural stone, white render, and charred black timber”, roofing materials to be confirmed. The elevations show that stone is to be used for the rear single-storey part and for the cantilevered structure, the remainder to be rendered.

Three parking spaces would be provided at the front.

History of negotiations/amendments received

17-Mar-2022: Amended plans submitted reducing size of single-storey part.

04, 06-Apr-2022: Further amended plans clarifying the amount of boundary wall to be retained, and showing bin store and collection zone.

19-Apr-2022: Changes to parking and landscaping layout at the front.

The plans were not re-advertised because they were not considered to raise significant new planning issues and too into account the representation made on the original plans.

Relevant Planning History

None.

Representations

Final publicity date expires: 21-Jan-2022. Publicity by neighbour letter only, thereby fulfilling the requirements of the Development Management Procedure Order.

Two representations were made. Summary of concerns raised:

- Overdevelopment of a small site.
- No provision for off-street parking that is already obstructed by parked vehicles making it more difficult for other road users including buses.
- Impact on privacy.
- Impact on light.
- It would not be in keeping with the area, the larger properties in the locality being Yorkshire stone not timber.

Consultation Responses

None were considered necessary.

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 within a land that is without designation on the Local Plan Proposals Map.

It is considered that the scale and nature of the development does not raise access or Equality Act considerations.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7**: Efficient and effective use of land and buildings
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24**: Design
- **LP 28**: Drainage
- **LP 30:** Biodiversity and geodiversity

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- KC Housebuilders Design Guide SPD 2021

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

Assessment
The following matters are considered in the assessment below –

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

1 – Principle of development: Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive approach

that reflects the presumption in favour of sustainable development contained in the NPPF. LP1 goes on further to stating that:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

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. 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 68 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”.

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 policies and material planning considerations considered below.

The proposal will be assessed according to the following policies:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers

including appropriate distances between buildings and a high level of sustainability.
- LP28 – Sustainable urban drainage systems to be used where possible.
- LP30 – Development to incorporate biodiversity enhancement measures.

Under Chapter 11 of the NPPF, planning decisions should support development that makes “efficient use of land” taking into account the need for different types of housing, local market conditions, infrastructure, the prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places.

The advice in Chapter 12, “Achieving well-designed places”, should also be taken into account, in particular that planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments.

Also of relevance is Chapter 14 (opportunities to be taken to prevent development contributing to flooding) and 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

Net density on the site would remain unchanged since it would be replacing one dwelling with another. It is therefore considered to be an efficient use of land under LP7 and NPPF Chapter 11. The principle of development is therefore considered appropriate; the scheme will however require a full assessment of amenity, highway safety, environmental and other criteria, to be examined in detail below.

2 –Impact on visual amenity: Officers initially had some concerns about the scale and design of the proposed dwelling. In response, the architect submitted plans which made, in brief, the following changes:

- Overall length reduced by about 1.7m (through reducing the single-storey part);
- Design simplified at the rear with removal of roof terrace and ornamental gable;
- At front, porch no longer projects to the side of the western wall, and projection of hanging gable reduced;
- Parking spaces, access and retained boundary wall shown.

The following principles from the Housebuilders Design Guide SPD are of particular relevance to design:

Principle 2:

New residential development proposals will be expected to respect and enhance the local character of the area by: Taking cues from the character of the built and natural environment within the locality; Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details; Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

Principle 5:
Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography. The arrangement of buildings should consider maintaining privacy and residential amenity. Effective boundary treatments should be used to form defensible space and delineate between public and private realm. Buildings should be arranged to take account of weather and microclimates

Principle 8:
The transition from urban to open land should be carefully considered where development is located on the edge of the urban area. Proposals should demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.

Principle 13:
Applicants should show how different materials which are prevalent in the vicinity of the site have been taken into account in the proposal. Consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area. A simple palette of materials, appropriate to the site’s context, should be identified early in the development process to help give the site a coherent identity. The embodied carbon of the material in terms of the environmental impact of its production, transportation and thermal performance should be a prime consideration in the development process.

Principle 14:
The design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Innovation for energy efficiency is encouraged, particularly for maximising solar gain to allow for passive solar construction.

Principle 15:

> The design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types. Consideration should be given to the pitch of roofs, the inclusion of dormer windows, provision of green/blue roofs, the role of roofs in providing outdoor space and ensuring that the design of roofs does not allow for easy climbing access to upper floor windows.

Regarding the aims of Principle 2, the site is within a street frontage that lacks a single dominant house type. There is a gradual transition from terraced houses near the Dryclough Road junction, to semi-detached houses, to somewhat larger and mostly detached houses with an increasing setback from the highway boundary. On the southern side of the road, houses are mostly individually-designed and set on deeper plots. Most of the surrounding development appears to date from the 1920s or 1930s. Stone and blue slate are the predominant materials but nos. 106-104 are largely rendered, and have red interlocking tile roofs. One of the main unifying features in this street is the mortared stone highway boundary wall which contains occasional breaches for single-width driveways.

The principle of a two-storey dwelling is considered acceptable since it would be set among mainly two-storey houses, although recognising there is a single storey dwelling next door. It would conform to the existing building line at the front, thereby complying with the main aim of Principle 5. The proposed dwelling would not reach any closer to the existing side boundaries than the existing dwelling. The development would result in a significant increase in footprint compared to what exists now; it has however been somewhat reduced from the original submission. The retained rear garden would measure approximately 9m by 8m, with a much smaller front garden. Whilst this represents a greater degree of plot coverage, and less garden, than on the adjacent plots 108 and 106, it is considered that in the context of the higher-density development that can be observed a very short distance away (nos. 110-126) it would not be excessive or out of character with the area.

There is a shallow gradient along the street, but the site is not noticeably elevated above its surroundings or in a location where it would affect distant views. It is therefore considered that it would not have any impact on the wider landscape, in conformity with Principle 8, and that the need to manage the transition to open land does not apply in this instance since the land at the rear is enclosed and mainly hard-surfaced (a school campus), not open or semi-natural. There is very little variation in level within the site and in the circumstances it is not considered necessary to require the applicant to submit a full scheme of finished ground and floor levels.

The predominant material in use on this part of Woodside Road is coursed stone. The existing dwelling is rendered, and it would be seen in the context of one other largely rendered dwelling (albeit with a stone front elevation). In this context, the extensive use of rendering as an external material is judged acceptable having regard to the aims of Principle 13. The limited use of timber is considered acceptable since it would only apply to the porch on the front elevation which is clearly subordinate to the main dwelling.

Windows and doors on the northern frontage of Woodside Road comprise a mix of styles but are predominantly higher than they are wide. Many houses have mullioned windows and show Tudor influence. The windows on the front elevation of the new house as proposed would be somewhat different in style, in that they would lack mullions or glazing bars, but in the context of a dwelling that is of modern appearance overall it is considered that they would seem appropriate and contribute to a unified design (Principle 14).

Roof pitch would be the same as the existing pitch (Principle 15). The use of a flat roof for the single-story part is unusual for the area. Since this part would be clearly subordinate to the main, two-storey part of the house, and not very prominent from the street, it is on balance judged acceptable and represents the most appropriate design solution, since a pitched roof would result in greater impact on neighbouring properties.

Finally, it is noted that the development would unavoidably increase the amount of hardstanding at the front owing to the need to accommodate car parking. Paragraph 7.15 of the SPD says that building frontages that are dominated by hard landscaping and car parking fronting on to the street should be avoided. On the case officer's advice, the parking and landscaping layout at the front has been rearranged so that the driveway and bin collection point will take up less than 50% of the frontage and this will allow majority of the boundary wall to be retained. This new proposed arrangement also results in an improved outlook for the lounge.

In conclusion, it is considered that the proposed dwelling would fulfil the aims of paragraph 8.3 of the SPD in that it would represent a contemporary and innovative approach that would be of high quality and complementing the surrounding development in terms of its height, shape, form and architectural details.

The standard condition on materials – that samples be submitted for inspection and approved – should be imposed. It should also be conditioned that the boundary wall is retained where shown. Subject to this it would accord with the aims of LP24a.

3 – Impact on residential amenity: 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 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards.

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.

It should be noted that neither the recommended distances mentioned in the House Extensions SPD, nor the 45-degree rule, are applicable here because this is an application for new build, not extensions.

The two-storey element of the proposed dwelling would extend 1.1m beyond the rear wall of the existing house, which would mean that it would be approximately on the same line as the rear elevation of no. 104. The main single-storey element would extend 4.2m beyond this, but would be set in 1.75m from the common boundary and would also have a flat roof.

No 104 has a rear-facing window at ground floor approximately 2m in from the boundary which is likely to be a bedroom. It is noted that 104 is set a little lower and, owing to the relative positions of the two dwellings, the new development would have the potential to obstruct sunlight coming from the west or south-west, resulting in sunlight to this window being partially or wholly obstructed during the spring and autumn when the angle of the late afternoon sun is relatively low, and to a degree even in mid-summer. However, this property also has an attic dormer bedroom which would of course be much less affected, and the property would still have an open outlook to the south-east (front), where windows overlook a substantial garden.

The office / gym annexe would be built in a similar position to that of the sectional garage and a small garden shed that formerly stood on the site (the shed had already been removed at the time of the case officer's site visit but can be observed on aerial photographs). The new structure would be marginally higher than the garage it would replace and would also reach 2m further back (almost reaching the rear boundary line) than the garage. The potential impact of a large continuous built structure close to the common boundary, where previously there would have been a small visual break between the kitchen and the garage, has been noted, and it is considered that as originally submitted it would have been somewhat overbearing. The latest plans have reduced the length of the development overall and have brought the gym / office 500mm further in from the boundary (or just over 700mm from the boundary in total). It is considered that as amended, it would be unlikely to have a significantly greater impact than the garage it would replace. It is considered on balance that the combined impact would not be overbearing or lead to an unacceptable blocking of light to no. 104's garden or windows,

subject to a condition that, for the avoidance of doubt, it must be sited a minimum of 700mm in from the property boundary.

The adjacent dwelling to the west, no. 108, is separated from the application site by a driveway and it is considered the new development would not have an overbearing impact. It is noted that the windows in the gym / office annexe would face the western site boundary at a distance of 10m. Being a single-storey structure this is considered adequate to avoid intrusive overlooking. No. 108 has some small windows facing the site – it is not known whether these are habitable or non-habitable. But no. 108 has its main outlook to the front and rear, not the side, and the relationship would not be materially different than exists now in terms of mutual overlooking.

Regarding Principle 6, the new dwelling would comply with the 21m standard to the front and rear. Most side-facing windows in the proposed dwelling would be to non-habitable rooms. The exceptions are one side-facing bedroom and lounge window, which can both be regarded as secondary, and the window to the snug. It is recommended that the side-facing windows be obscurely glazed and non-opening since the existing boundary fence might not be high enough to screen them. In the case of the snug, it is a room that would normally be classed as habitable and as such this solution would not normally be regarded as acceptable. But since the dwelling also has a dining room and lounge with an outlook to the front and rear, it is considered that having obscure glazing to this one room would not diminish the overall quality of life for future inhabitants.

Boundary treatments to the side and rear boundaries are unspecified. It is possible that the developer intends to retain the existing fences, which are approximately 1.2m in height, but boundary fences may get damaged or removed during construction. Normally, 1.8m is considered a desirable height for a boundary fence so as to provide privacy for future and neighbouring occupiers, but as there is an existing dwelling and garden on this site, it is considered the development would not give rise to a greater impact on privacy through mutual overlooking between gardens and there is no clear need to raise the fences above their present height. As a precaution, in order to ensure adequate levels of privacy are retained in future and to accord with the aims of Principle 5 of the SPD, it is recommended that a condition be imposed to the effect that the existing timber boundary fences be retained or replaced with timber fencing of similar type (close-boarded and minimum 1.2m high).

It should also be conditioned that no additional side-facing windows are formed in the side wall of the dwelling at ground floor level, again in the interests of privacy.

For a 4-bedroom property, a larger garden might ideally be preferred, but the principal rear garden area, at approximately 75sqm, is on balance considered adequate for the needs of future occupants and compliant with the aims of Principle 17.

Aggregate floor space would be 213sqm, which is more than required for a four-bedroom dwelling under the Nationally Described Space Standards. The individual bedrooms would also be compliant.

To conclude, it is considered that the development would provide an acceptable standard of living for future occupants whilst not harming the amenities of neighbouring properties, subject to the conditions specified above, thereby according with the aims of LP24(b) and the design Principles listed above.

4 – Impact on highway safety: The proposed development could be regarded as an intensification of the site in terms of vehicle movements since the amount of living accommodation, and therefore the likely number of occupants, would be increased.
Neither the existing nor the proposed layout contains provision for vehicle turning. The principle of access to the highway at this point has however already been established, and furthermore Woodside Road is not a classified road. Woodside Road has a footway of about 1.5m width and the carriageway is roughly 8.7m wide. Whilst some on-street parking occurs, especially on the northern side of the highway, locally narrowing the available carriageway, the road has good alignment. Taking into account typical vehicle speeds and the volume of traffic it is likely to carry, neither the intensification of vehicle movements on and off the highway, nor increased reversing and turning within the highway, is regarded as a safety concern in this instance. Three parking spaces are provided, which accord with standard dimensions. It is considered that the development would not jeopardise the safe or convenient use of the highway and would accord with the aims of LP21-22. Approval should be subject to the parking spaces being provided and surfaced before the new dwelling is brought into use, and thereafter retained.

4A – Refuse storage and collection
The plans show a bin store (for two bins) located to the front of the house. There would be room to place a third bin (e.g. for garden waste) by the side of it if required. Paragraph 9.13 of the SPD accepts that bin stores may be located to the front but that enclosures may sometimes be required in order to limit their impact on the street scene. In this instance, as it is set back 7m from the highway boundary, it is considered that this would be unnecessary – the plans appear to show some form of partial enclosure, but is not deemed essential. A presentation point is shown within the curtilage which does not obstruct the driveway.

Provided that the areas are retained and kept clear of obstructions, which can be conditioned, the development would avoid any impact on the free and safe use of the highway and accord with LP21-22.

5 – Other matters:

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 pre-dates the declaration of a climate emergency and the net zero carbon target; however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. The site is in a sustainable location being 300m from a bus stop with a frequent service to Huddersfield Town Centre. Planning permission should however be subject to a condition that before works commences on the superstructure, details be submitted and approved in writing of measures to reduce carbon emissions associated with the development, which could include, although not be restricted to, on-site renewable heat or power generation. Subject to this it would comply with the aims of KDP18 and those of Chapter 14 of the NPPF.

Ecology:
The site is not in the Bat Alert Layer although it within the twite buffer zone and an area in which there are swift nesting records. The existing building does not show signs of being used as a swift habitat and more generally the site is likely to have limited biodiversity in its present form. It is considered that the best way to secure biodiversity net gain in accordance with the aims of LP30-31 and NPPF Chapter 15, would be the provision of an artificial nesting feature suitable for swifts (which could be used by other species as well).

Removal of permitted development rights:
Since the development would result in a significantly greater degree of plot coverage than exists now, it is considered that it would be appropriate to remove permitted development rights for extensions and outbuildings in the interests of preventing future development giving rise to the appearance of overdevelopment of the plot or negative impacts upon neighbouring properties, thereby fulfilling the aims of Policy LP24(a&b).

Drainage:
The site has not been identified as being at risk of flooding. The application form states that the main sewer would be used as a means of surface water disposal. This is not one of the more sustainable options within drainage hierarchy principle but there is presumably an existing mains connection and it would be built partly on the footprint of an existing dwelling. In accordance with the approach that has been taken with other applications for single dwellings in Kirklees in recent years, it is considered that a requirement to demonstrate that soakaways would not work, or to achieve net run-off reduction, would be disproportionate given the scale of the development. In

accordance with current practice and the aims of NPPF Chapter 14, and to limit run-off, it is however recommended that parking spaces be given permeable surfacing, which can be incorporated into the condition.

6 – Representations: Two representations were made. Concerns relating to visual and residential amenity have been examined earlier in the report but are highlighted here with officer responses and other concerns raised:

Overdevelopment of a small site.
Response: For the reasons set out in part (2) of the Assessment, is considered that the development as amended would no longer constitute overdevelopment.

No provision for off-street parking that is already obstructed by parked vehicles making it more difficult for other road users including buses.
Response: The original plans did not explicitly show parking. This has now been clarified and the layout is considered acceptable.

Impact on privacy.
Response: The rooftop terrace that originally formed part of the scheme has been deleted. For the reasons set out in Part 3 of the Assessment it is considered it would not give rise to significant mutual overlooking.

Impact on light.
Response: Potential impact on light has been considered at length in Part 3 of the Assessment. It is considered that the design changes shown on the current plans would result in a scheme that would not be overbearing or result in an unacceptable loss of light.

It would not be in keeping with the area, the larger properties in the locality being Yorkshire stone not timber.
Response: For the reasons set out in Part (2) of the Assessment, it is considered that the palette of materials is acceptable.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: **2021/94537**

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan.

3. Samples of the stone and the roofing materials to be used in any exterior work shall be left on site for the inspection of and approval in writing by the Local Planning Authority, and details of other facing and roofing materials (including the colour of any external rendered finish) submitted to and approved in writing by the Local Planning Authority, before work on the superstructure of the dwelling commences and the development shall be thereafter implemented using the approved materials.
Reason: In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan and Principles 2 and 13 of the Housebuilders Design Guide Supplementary Planning Document (SPD).

4. Before the new dwelling is first brought into use, all areas to be used for the parking and manoeuvring of vehicles as shown on plan 105 Revision E shall be laid out with a hardened and drained surface, which shall be in accordance with the Communities & Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance before the dwelling is first occupied, unless arrangements have been made for run-off water to drain to a soakaway within the curtilage. Thereafter these areas shall be retained free of any obstruction.
Reason: To ensure a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk through increased run-off, and to accord with the aims of Policies LP21-22 and Policy LP28 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD, and Chapter 14 of the National Planning Policy Framework.

5. The existing highway boundary wall shall be retained to the extent shown on the approved plans 103 Revision D, or in the event of being damaged during construction shall be rebuilt to the same height in natural stone to match the stone used on the existing wall in all respects. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) the wall shall thereafter retained as such.
Reason: In the interests of visual amenity, to ensure that the site frontage is not dominated by car parking or hardstanding, and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan and Principle 12 of the Housebuilders Design Guide SPD.

6. The areas shown for the storage and collection of wastes shown on the proposed site plan ref 105 Revision E shall be provided and laid out with a hardened and drained surface before the new dwelling is first occupied, and thereafter retained as such.
Reason: To ensure that satisfactory facilities are provided for the separation and collection of wastes, and to accord with the aims of Policies Policy LP24(d)(vi) of the Kirklees Local Plan, and Principle 19 of the Housebuilders Design Guide SPD.

7. One electric vehicle recharging point shall be installed within the dedicated parking area of the hereby approved new dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: In accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

8. All side-facing windows and fully or partially glazed doors in the proposed dwelling (except for the west-facing windows in the gym and office) shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the development is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows and doors of this type shall be retained at all times.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan and Principle 6 of the Housebuilders Design Guide SPD.

9. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-

enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls of the new dwelling at ground floor at any time.
Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan and Principle 6 of the Housebuilders Design Guide SPD..

10. The eastern wall of the proposed dwelling shall be a minimum of 700mm from the eastern side boundary of the site.
Reason: For the avoidance of doubt, to ensure that the office/gym maintains an appropriate distance from the boundary with the neighbouring property to avoid an overbearing impact or undue loss of light, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Housebuilder Design Guide SPD.

11. A timber close-boarded fence of a minimum height of 1.2m shall be retained at all times along the full length of the rear and both side boundaries of the site (except those parts that are within 2m of the highway boundary), or in the event of any part of it being removed or damaged during construction, shall be replaced with a close-boarded timber fence of at least 1.2m in height.
Reason: To protect the privacy of existing and future residents and to accord with Policy LP24(c) of the Kirklees Local Plan and Principles 5 and 6 of the Housebuilders Design Guide SPD.

12. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification including paragraph A.1(ea)), no extensions or outbuildings falling within Part 1, Classes A, B, D or E of said Order shall be erected, altered or constructed within the land edged in red on the approved location plan without full planning permission having been first obtained from the Local Planning Authority.
Reason: So as to retain adequate planning control over the site in the interests of ensuring that inappropriate extensions or outbuildings do not lead to overdevelopment of the site or give rise to an overbearing impact upon neighbouring dwellings, and to accord with the aims of Policy LP24(a&b) of the Kirklees Local Plan and Principles of the Housebuilders Design Guide SPD.

13. Before work commences on the superstructure of the dwelling, details shall be submitted to and approved in writing by the Local Planning Authority of on-site renewable energy generation or other measures to reduce carbon emissions associated with the hereby approved development. The approved measures shall be installed or incorporated within the development before it is first brought into use and thereafter retained as such.
Reason: To ensure that the development contributes to reducing carbon emissions and thereby combats climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide and Chapter 14 of the National Planning Policy Framework.

14. Prior to the occupation of the property, a single nesting box, designed to be suitable for Swifts and made of a durable weatherproof material, shall be installed on the northern or western aspect of the property, a minimum of 4.0m above ground level and not directly above a window or door. The nesting feature shall thereafter be retained.
Reason: To ensure that the development delivers biodiversity net gain in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide and Chapter 15 of the National Planning Policy Framework.

Note: Construction Site Working Times. It is recommended that noisy construction related activities should not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00hours Saturdays
With no noisy activities on Sundays or Public Holidays. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Note: Footway crossing. The developer is advised that notwithstanding this permission, the consent of the Council acting as Highway Authority will be required for the works to form any new or extended footway crossing.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Application form			13-Dec-2021
Floorplans as existing	100		06-Dec-2021
Elevations as existing	101		06-Dec-2021
Floor plans as proposed	102	C	04-Apr-2022
Elevations as proposed	103	D	19-Apr-2022
Location plan	104		06-Dec-2021
Site and location plan as proposed	105	E	19-Apr-2022
Floor plans as proposed (overlay)	106	C	04-Apr-2022
Elevations as proposed (overlay)	107	C	04-Apr-2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested amended plans reducing the scale and footprint of the proposed development in the interests of visual and residential amenity and clarifying the parking and waste collection arrangements.

Report Dated: 22-Apr-2022