

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2022/61/90097/W

Site Address: adj, 136, Laund Road, Salendine Nook, Huddersfield,
HD3 3TY

Description: Reserved matters application pursuant to outline
permission 2021/93779 for erection of residential
development with parking and private landscaped
gardens

Recommending Officer: Lucy Taylor

DECISION – APPROVAL OF RESERVED MATTERS

**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.**

John Holmes

AUTHORISED OFFICER

Date: 01-Jul-2022

Officer Report.

Reference: 2022/90097

Location: adj, 136, Laund Road, Salendine Nook, Huddersfield, HD3 3TY

Proposal: Reserved matters application pursuant to outline permission 2021/93779 for erection of residential development with parking and private landscaped garden.

Site Description.

The application relates to the driveway and side garden of 136 Laund Road, a terrace property constructed from stone and render with a tiled roof. The land under consideration as part of this permission, has a frontage facing onto the highway and is bounded in by a stone boundary wall. To the rear of the site is a large, detached garage. Pedestrian and vehicle access is taken from the front boundary onto Laund Road.

The site and the wider area is dominated by residential properties, most of which have a similar design and form and the common construction materials are stone and render.

The application site is Unallocated in the Kirklees Local Plan and land to the rear, which is allocated to be developed for housing, is currently under development with recently constructed dwellings in place.

Description of Proposal.

Reserved matters approval for the erection of a dwelling. A detached 3-bedroom dwelling is proposed which would be split over three floors and would be sited centrally within the plot.

Primary habitable room windows are to be inserted into the front, rear and side elevations, with various projecting lean-to design features. Roof lighting is also proposed in the form of velux windows.

Walls are to be faced in stone, complimented by a dominant gable roof infilled with slate tiles.

The land to the front of the dwelling is to be hard surfaced with areas of landscaping. To the rear, the property will benefit from a patio and lawned garden.

Relevant Planning History.

At the application site:

- **2021/93779** - Outline application for erection of residential development with parking and private landscaped gardens. *Approved 2021.*

Relevant planning history within the wider streetscene:

- **2019/93903** - 122A, Laund Road, Salendine Nook, Huddersfield, HD3 3TY - Erection of one dwelling and associated works. *Approved 2021.*

History of Negotiations/Amendments Received.

The case officer sought amendments to reduce the height of the proposed dwelling, so that it aligned with the eaves height of the neighbouring property to the south east (No. 134 Laund Road). In addition, the case officer sought amendments to the design of the proposed dwelling, seeking the removal of the originally proposed velux window to the front roof panel. Furthermore, the case officer requested that all of the proposed glazing be obscured to the side elevations of the dwellinghouse.

The applicant successfully submitted amended plans which reflected the recommendations set out by the case officer. The applicant submitted Dwg no. 2245-D-20-111REVA, which appropriately shows the eaves height and maximum height of the proposed dwelling in line with neighbouring property No. 134 Laund Road. This drawing also demonstrated the removal of the front velux window.

The applicant also submitted Dwg no. 2245-D-20-110REVD, which shows all of the windows the side elevations of the dwelling, except one, to be obscurely glazed. The one left clear glazed is considered acceptable from a residential amenity perspective.

The case officer also requested that the applicant submit a plan to show the proposed elevations of the shed structure, as shown on the proposed site plan, Dwg no. 2245-D-20-102REVA. The applicant supplied Dwg no. 2245-D-20-112, which demonstrates the proposed size/scale of the shed structure, with regard to its length, width, height and style of construction.

Following the submission of amendments, the case officer deemed the proposal to be acceptable (set out in greater depth later in the report). Therefore, the overall determination of this application, is on the basis of the latest scheme as submitted 22 June 2022 and the shed elevations as submitted 29 June 2022.

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 21 February 2022 – no representations were received.

Given the amendments submitted, the application has not been re-advertised as the plans reduce the overall height of the main dwelling and improve it's design from a visual amenity perspective with regard the established character of the streetscene.

Consultation Responses.

KC Highways Development Management – Concluded the reserved matters application to be acceptable, with the inclusion of conditions relating to surfacing and drainage and methods for storage/access for waste.

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 in the Kirklees Local Plan and land to the rear, which is allocated to be developed for housing, is currently under development with recently constructed dwellings in place.

Kirklees Local Plan

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP24** – Design

Supplementary Planning Documents

On 29th June 2021, Kirklees Council adopted its Housebuilders Design Guide SPD. The document indicates how the Council will interpret its policies regarding such built development, with the advice aligning with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

Kirklees Highways Design Guide (2019)

National Planning Guidance

National planning policy and guidance is set out in National Planning 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 be of relevance

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

- **Chapter 12** – Achieving well-designed places

Assessment.

The following matters are considered in the assessment below –

1. Principle of development
1. Impact on visual amenity
2. Impact on residential amenity
3. Impact on highway safety
4. Other matters
5. Representations
6. Conclusion

1. Principle of Development

The principle of developing the site for residential development has been previously granted by outline application 2021/93779 which was determined last year and was assessed against the current local and national policies. The outline application included parking and private landscaped gardens as a consideration, with all other matters reserved. The parking provisions and landscaped gardens detailed within this application conform with the previously approved details. The current application will consider the layout, scale, appearance and landscaping for the development.

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of Policy LP1 in the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the Kirklees Local Plan is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area, as well as to protect the amenity of the future and neighbouring occupier, to promote highway safety and ensure sustainability. These considerations, along with others, are addressed in the later sections of this report.

1. Reserved Matters

2.1 Layout and Scale

Considering the impact upon residential amenity, the proposed dwellings location prevents any significant concerns on overbearing and overshadowing upon neighbouring dwellings. Nonetheless, the nearest dwellings to the application site are 136 Laund Road and 134 Laund Road, as well as 4 and 6 Laund Croft located to the rear of the site, therefore, a thorough assessment upon the impact on each neighbouring property will be undertaken below.

136 Laund Road is the neighbouring property to the north west of the application site. The scheme is likely to have some impact upon these neighbour's amenity, as the site is currently vacant from any significant built form (only a detached garage). Nonetheless, it has been noted that there is a

separation distance of 1.2 metres between this neighbouring property and the proposed dwelling. As such, any impact on overbearing is not considered to be undue. This conclusion is further supported by the location of 136 Laund Road, north west of the application site, meaning any overshadowing would be limited to between 11:00 and 13:00 during the summer and between 9:00 and 13:30 in the winter.

A condition has been imposed upon the proposed development, removing PD rights from the new dwelling. This is for reasons of potential detriment to visual and residential amenity. Given the location of the new dwelling, and its relatively large size/scale, further development without prior approval from the Local Authority, could impact negatively upon the design of the dwelling and the amenity of neighbouring occupiers.

In terms of overlooking, all of the windows proposed to the side elevation facing towards this existing property will be obscurely glazed. Therefore, these windows present no detrimental potential of overlooking, in turn, preventing any significant loss to residential privacy.

134 Laund Road is the neighbouring property to the south east of the application site. There will also be some impact upon these neighbours' amenity, given the fact that this property is situated close to the shared boundary.

Nonetheless, careful consideration has been given to the location of the new dwelling, with a retained separation distance of 0.95 metres from the shared boundary. As well as the role of this separation distance in alleviating significant impacts of overbearing and overshadowing, the harmonising height of this new property with No. 134 further works to prevent any significant impacts of this nature. This conclusion is further supported by the location of the development, south east of the application site, meaning any overshadowing would be limited to the rear garden amenity space of No. 134, between the hours of 18:30 and 20:15 during the summer only. No potential of overshadowing is considered likely during winter months.

There will also be no material overlooking, as any windows adjacent to the side elevation of No. 134 will be obscurely glazed. The proposed clear glazed window to the rear side elevation of the new property is adjacent to the detached garage structure within the curtilage of No. 134, therefore, considered to lead to no significant impact due to overlooking. It has also been noted that there is substantial boundary treatment in place along the south eastern boundary of No. 134, in the form of wooden fencing, this will further mitigate any potential loss of privacy.

4 and 6 Laund Croft are relatively new residential dwellings, granted permission under 2012/92070. It has been noted that there would be some impact upon these neighbours' amenity from the additional bulk and massing presented from the erection of a new dwelling upon currently undeveloped land.

Having taken into account the relationship between the proposed dwelling and No.'s 4 and 6 Laund Croft, it is considered that any overbearing and overshadowing would not be undue given the change in land levels between these neighbours and the fact that separation distances of approximately 21 metres to No. 4 and 19 metres to No. 6 will be retained from these neighbours rear projecting gable to the very rear extent of the new property.

With reference to overlooking, the location of windows to the rear elevation of the proposed property appropriately complies with the requirements as set out in Council's Housebuilder's Design Guide, in order to retain appropriate levels of residential privacy. This includes the position of any first-floor windows to the rear elevation been located over 21 metres away from No. 4 or 6 Laund Croft. This extent of separation distance prevents any detrimental levels of overlooking.

Properties 131A and 133 Laund Road are located adjacent to the proposed site of development, on the opposite side of the highway. A separation distance of approximately 15 metres from the very front elevation of the proposed dwelling (front porch) and the front boundary of curtilage at these neighbouring properties, emphasises that no undue impacts of overbearing or overshadowing will be caused for the occupiers of these neighbouring properties.

In addition, in accordance with the Council's Housebuilders Design Guide, all of the proposed first floor windows to the new property are set over 21 metres from these two neighbouring properties.

Further to the erection of a single dwelling, the site also proposes the erection of a shed within the rear garden amenity space. The erection of a shed within the rear garden of the new property is not considered to detriment any residential amenities for the occupiers surrounding the site, a result of its position within the curtilage and the principal of development itself.

In addition, the shed will be 6 metres in length, 3 metres in width and have a height of 2.9 metres. This size/scale, in conjunction with the proposed site of erection, will not create any significant impacts upon residential amenity with regard to overbearing or overshadowing.

Consideration must also be given to the amenity of the future occupiers. In this case, the dwelling's floor area is in excess of the Technical Housing Standard's recommended minimums. In terms of windows, all habitable rooms will have them, providing an adequate outlook and natural light.

Turning to the external space, the submitted plans show the rear garden to be of an acceptable size for a dwelling of this type. More importantly, a small patio area will also be provided that will adjoin the bi-folding doors to the rear of the property.

With regards to visual amenity, it has been noted that the footprint of the proposed is larger than the neighbouring properties of No. 136 and No. 134.

However, it has been noted that the wider residential area benefits from dwellings of varying designs including scale and therefore the new property, would not appear out of character for the locality.

The plans also show the built form to be set back within the plot which will also help the development not appear overly prominent within the street scene. Furthermore, amendments have been sought and submitted to align the eaves and maximum height of the proposed dwelling with No. 134 Laund Road, so that it appears in keeping with this particular section of the street.

Proceeding to highways, vehicular access routes and parking space provisions were secured at outline stage. The highways condition imposed at outline stage, regarding the clearing of sightlines is considered to secure these elements of the scheme.

Considering the above points, officers are satisfied that the layout and scale of the dwelling as proposed, would not cause harm to the amenity of neighbouring residents and would secure a suitable standard of amenity for future occupiers while also appearing visually attractive in itself and within the wider area.

Therefore, with the inclusion of a necessary condition regarding vehicular sightlines, the proposal is considered to appropriately comply with the aims and objectives of Policies LP21, LP24 and LP30 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and relevant key design principles within the Council's adopted Housebuilders Design Guide SPD.

2.2 – Appearance

Policy LP24 requires proposals to promote good design by ensuring that all aspects of the development respects and enhances the character of the townscape, heritage assets and landscape.

As noted above, the scale of the dwelling, including the height, harmonises with the streetscene to an acceptable degree. The dwellings architectural detailing and overall appearance has been designed to replicate those in which line Laund Road. Reflective features include the exterior construction materials of stone and slate roof tiles, the arrangement scale and design of fenestration detailing and the front porch which matches that erected to No. 134 Laund Road.

Although the proposed openings to the rear elevation have a more modern design, specifically the glazed bi-folding doors; sited to the rear of the property there is scope for such inclusion without causing any significant harm to the street scene. In addition, the inclusion of velux windows to the rear roof plane, help to increase the potential domestic use of the property. Such features will not detract from the building's attractiveness, nor cause it to appear incongruous within the streetscene.

A condition has is recommended regarding the proposed exterior materials, whereby the details of all external facings and roofing materials need to be approved in writing prior to the construction of the development above

foundation level. This is to ensure an appropriate finish to the new dwelling, ensuring that the appearance is in keeping with established character of the wider streetscene.

A condition regarding the finished floor levels will also be included, to ensure that these are in accordance with those shown on submitted drawing titled 'Proposed plans and elevations' ref:- 110RevD.

Finally, for reasons of ensuring high standards of visual / residential amenity, a condition has been imposed ensuring that all boundary treatment are in accordance with that shown on submitted drawing titled 'Proposed boundary treatment plan' ref:- 104RevD. This includes all proposed forms of fencing and the existing gabion wall.

Summarising the above, the proposed appearance of the building is considered acceptable, in accordance with the requirements of LP24 and Chapter 12 of the NPPF.

2.3 Landscaping

As the proposal seeks the erection of a single dwelling, landscape details are limited.

The site shall be split into traditional parking to the front and private amenity space to the rear. The existing forms of boundary treatment are to be retained, this includes the existing gable wall and fencing to the rear elevation.

Drawing 2245-D-20-104REVA Boundary Treatment Plan demonstrates the erection of 1.8-metre-high fencing around the rear and side elevations of the curtilage, with a 0.9-metre-high fence to the frontwards projection of the south east side boundary. The drawing also shows the erection of a 0.75 metre high stone wall to the front boundary of curtilage.

Drawing 2245-D-20-105 Ecological Plan demonstrates the provision of several ecological enhancement measures at the site, including:

- the planting of two small managed trees to the rear of the garden of the new house.
- the installation of bat bricks and bat boxes on the inner (most sheltered) gable.
- the installation of a bird box on the outer gable.

Drawing 2245-D-20-103REVA demonstrates the location of a soakaway within the rear garden amenity space of the dwelling, to collect surface water run-off and avoid any potential flooding.

Although the submitted landscaping plan and details for ecological enhancements are considered to be acceptable and to accord with LP30 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework; these will need to be dealt with through the discharge of condition 8 imposed within the outline permission referenced 2021/93779. Therefore, the applicant will need to submit a discharge of conditions application to deal with these as a separate matter.

2. Representations

No representations were received.

3. 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.

Approve Reserved Matters

Decision Authorisation: Delegated Powers

Application Number: 2022/90097

Recommendation: Grant Reserved Matters

Conditions and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in the 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 in the interests of highway safety in accordance with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, the aims of the National Planning Policy Framework under chapters 2, 12 and 15 and to comply with the Council's adopted Housebuilders Design Guide SPD.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class(es) A, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential & visual amenity, to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principle 2 and 15 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.

3. The finished floor levels of the development shall be in accordance with those shown on submitted drawing titled 'Proposed plans and elevations' ref:- 110RevD. The development shall not be brought into use until the finished floor levels approved by this condition have been completed which shall be retained thereafter.

Reason: In the interests of residential amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principle 2 and 15 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.

4. All windows annotated 'obscure glazing' upon submitted drawing titled 'Proposed plans and elevations' ref:- 110RevD shall be obscure glazed minimum grade 4. The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, principle 2 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

5. Development above slab/foundation level shall not commence until details of all external facing and roofing materials have been left on site for the inspection and approval in writing of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.

6. The boundary treatments of the development shall be in accordance with those shown on submitted drawing titled 'Proposed boundary treatment plan' ref:- 104RevD. The development shall not be brought into use until the boundary treatments approved by this condition have been completed which shall be retained thereafter.

Reason: In the interests of residential amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principle 2 and 5 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Street Scene	2245-D-20-111REVA	-	17.6.22
Proposed Plans and Elevations	2245-D-20-110RevD	-	22.6.22
Ecology Plan	2245-D-20-105	-	17.6.22
Proposed Boundary Treatment Plan	2245-D-20-104RevA	-	17.6.22
Drainage Layout	2245-D-20-103RevA	-	17.6.22
Proposed Site Plan	2245-D-20-102RevA	-	17.6.22

Plan Type	Reference	Version	Date Received
Existing Site/Block Layout	2245-D-20-101	-	12.1.22
Location Plan	2245-D-20-100	-	12.1.22
Proposed Shed Elevations	2245-D-20-112	-	29.6.22

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 officer expressed concern over the size/scale of the proposed dwelling and the installation of velux windows to the front elevation. As such, amended plans were sought and submitted, which enabled officers to support the application.

Dated – 20.6.22