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:	**2022/62/90696/E**
Site Address:	adj, 874, Halifax Road, Hartshead Moor, Cleckheaton, BD19 6LL
Description:	Erection of detached dwelling
Recommending Officer:	Nina Sayers

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 20-OCT-2022

Officer Report

Site Description

The application site comprises an end terrace, two storey dwelling, finished in white render under a tiled roof. The property has a garden which wraps around the eastern and southern sides of the property. There is an unadopted highway providing access to a small cluster of properties and associated garages from Moorside.

The site is located in a predominantly residential area, and the site is surrounded by residential properties with a variety of designs and scales of dwellings. The site is unallocated on the Kirklees Local Plan

Description of Proposal

Planning permission is sought for the erection of a detached dwelling.

The proposed dwelling would be located to the south-east of 874 Halifax Road, set between the existing dwelling and garages. It would be 7.6 metres wide and 8.1 metres deep, with a roof height of 6.3 metres to the ridgeline and 2.8 metres to the eaves. The proposed would be single storey with a steeply pitched roof, providing additional living accommodation in the roof space. It would have a single storey, pitched roof element on the north-western elevation. The proposal would serve a two-bedroom dwelling with associated living space.

The proposed dwelling would be finished in render under tiled roofing with UPVC windows.

It is noted that this application is a modified proposal of the previously approved 2020/91948 for the erection of a detached dwelling. The new proposal would be sited in a similar location but has an additional 1 metre in depth and 1.7 metres in height. The original proposal did not have living accommodation within the roof space.

History of negotiations/amendments received

No negotiations or amendments were considered necessary.

Relevant Planning History

2020/91948 - Erection of detached dwelling. Conditional full permission.

Representations

Final publicity date Expires:
Neighbour letters initially expired on 27th April 2022.

- No representations were received in response to the above publicity.

Consultation Responses

KC Highways Development Management: No objections subject to a condition.

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 Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places

- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).

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:

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

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

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

> *"All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below..."*

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 1 dwellings. However, LP7 states this target should be 'where appropriate' and in the policy justification set out in paragraph 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. One dwelling is proposed in this instance, which is considered appropriate as it meets the desired target density. It is also noted that this space is amenity space for the existing property and therefore would not be appropriate to develop more dwellings on the site. This would likely result in a cramped form of development that would fail to sympathetically integrate with existing development in the locality. It is also noted that the principle of a new dwelling on the site has already been considered acceptable under application 2020/91948.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees

Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"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 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The dwelling would be sited adjacent to 874 Halifax Road and would be visible from the classified A649. The street scene comprises a variety of residential properties, all of which vary in design. There is a break between the existing properties where the new dwelling would be sited and therefore, a residential dwelling in this location, would be considered in keeping with the character of the wider street scene. It is noted that the principle of a dwelling in this location has already been considered acceptable under 2020/91948.

The proposed design of the dwelling would have a steeply pitched roof which is not ideal in terms of design. The rear of the property, which would be visible from Halifax Road, has a dormer feature in the roof which significantly reduces the bulk of the proposed steep roof pitch. There is a lack of uniformity in the street scene which hosts a variety of designs. The proposed roof would not protrude above the existing nieghbouring properties roofs. Taking this into consideration the proposal is considered to not cause significant harm to the visual amenity of the wider street scene.

The steep roof pitch would appear more dominant from the front of the property. The bulk would be reduced slightly by the gable end feature. Although the proposed roof is not ideal in terms of design, it is noted that the front of the property would face away from the highway and would therefore not be in a prominent position and would only be visible from the rear of 145a and 147a Moorside. It is therefore considered that a refusal of the scheme based on these grounds could not be reasonably sustained in this instance.

The proposed would be finished in render, it would be conditioned that this render is white to remain in keeping with the other properties in the surrounding area.

Officers consider, on balance, that the proposal would not cause detrimental harm to the visual amenities of the locality, subject to conditions. The proposal is therefore considered to be in accordance Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

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

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."* The SPD also provides advised separation distances for two storey dwellings:

- 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.

The properties mostly likely to be affected by the proposed development are considered to be 874 Halifax Road and 147a Moorside. The impact upon these properties will be discussed below. However, the proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

It is noted that there is a dwelling to the south-east of the application site (No.864 Halifax Road), However, given this property is separated from the application site by a number of detached garages, and as there are no openings serving primary inhabited space in the side elevation of no.864, it is considered that the proposal would prevent undue harm to the amenities of this property in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

Impact on 874 Halifax Road

874 Halifax Road is within the application site and is located north-west of the proposed dwelling which would be slightly angled towards no.874. The proposed dwelling would be located a minimum of 1.8 metres from the side elevation of no.874. Due to the angled nature of the siting of the properties, the majority of the proposed dwelling would maintain a separation distance of at least 2 metres from no.874. It is also noted that the siting of the proposal was considered acceptable under application 2020/91948, which is still has a live permission. Therefore, this is considered acceptable on balance.

The proposed dwelling would have a single storey element which would reduce the bulk of the proposal along the boundary with no. 874. There are existing windows in the side elevation of no.874 which would be filled in as part of the proposal. These appear to both serve secondary light sources to inhabited spaces and therefore the infilling of the windows would not result in undue harm on the neighbouring occupants. It is therefore considered that no significant overbearing harm would be caused as a result of the proposed scheme.

There would be a small window proposed in the side elevation of the dwelling which would serve a hallway so would not cause significant overlooking harm to the neighbouring occupants.

The proposed development would be on land currently used as amenity space for no.874. It is considered that adequate amenity space would remain following development, thus not causing harm to the amenity of the neighbouring current and future occupiers.

Impact on 147a Moorside

147a Moorside is a semi-detached property located northeast of the host dwelling. 147a is closer to the application site than the adjoining 145a Moorside, and would retain a minimum separation distance of 11.5 metres, and 7.9 metres from the boundary. There would be openings in the north-eastern elevation of the proposed dwelling which would face the rear amenity space of no.147a. 147a is angled away from the proposed dwelling so the majority of the overlooking harm would be to the side elevation and rear amenity space of no.147a.

It is noted that the existing 874 Halifax Road has openings in the north-eastern elevation which have a similar relationship with no.147a and has a separation distance of 9.3 metres. The overlooking would therefore not cause significant harm over and above the existing arrangement on site. It is also noted that this relationship, with a slightly larger 8.9 metre separation distance, was considered acceptable under application 2020/91948, which is still has a live decision notice. There have been no objections received from the neighbouring occupants. It is therefore considered that a refusal of the scheme based on these grounds could not be reasonably sustained in this instance.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed rear garden is considered to be a good size for a dwelling of this scale.

Subject to a condition, the proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

A 2 bedroom dwelling is proposed which would be accessible via Moorside. The Kirklees Highways Design Guide SPD states that at least 2 on-site spaces are required for dwellings of this size. The proposal includes parking for one vehicle to the front of the dwelling. It is noted that due to the internal layout of this scheme it is likely only one bedroom would be inhabited permanently. Kirklees Council Highways Development Management were formally consulted regarding the proposed scheme and outlined that due to the ability for occupants to park within the marked parking bays on Halifax Road, they did not believe this scheme warranted an objection. Details of the surfacing of this can be conditioned.

There appears to be existing parking provision for two vehicles within the application site for 874 Halifax Road. It is noted on the site plan that the adjacent double garage would serve two parking spaces for no.874 and therefore the proposed parking is considered acceptable in this instance.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Ecology
The site consists of a dwelling with an area of hardstanding and garden around it. Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, the provision of bat and bird boxes on the proposed dwelling are to be recommended as a condition should permission be granted.

Climate Change
On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the nature of the scheme, this being a proposal providing one new residential unit within the site, it is considered that one electric vehicle charging point for this dwelling should be provided to aid in the contribution to climate change. This matter could be conditioned should planning permission be granted.

6 – Representations:

No representations were received in response to the publication of this application.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers
Application Number: 2022/90696
Officer Recommendation: Approve
Conditions:

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 LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Before the Development is first brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

4. Prior to occupation of the dwelling, one electric vehicle recharging point for each dwelling shall be installed. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

5. The external walls of the dwelling hereby approved shall be constructed from render to match no. 874 Halifax Road (off white render) and concrete tiles for the roof and shall be retained as such.

Reason: In the interests of visual amenity and to ensure that the proposed development complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

6. Before the erection of the superstructure of the dwelling is commenced, the side (south eastern) elevation in the host dwelling at no. 874 Halifax Road shall be blocked up and retained as such thereafter.
Reason: To ensure a good level of amenity for the occupiers of the host dwelling to comply with Policy LP24 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

7. A bat box and a bird box (one of each) shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The bat and bird boxes shall be provided prior to first occupation of the dwelling and thereafter be retained.
Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders SPD and Chapter 15 of the National Planning Policy Framework.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof

- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: It is the applicant’s responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is the applicant’s responsibility to ensure they have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside their ownership.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans and elevations	SR-2780-1		03/03/2022

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.

No negotiations or amendments were considered necessary.

Report Dated: 13/10/2022