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:	**2022/62/91041/W**
Site Address:	1, Una Place, Birkby, Huddersfield, HD2 2BQ
Description:	Demolition of existing bungalow and erection of two semi-detached dwellings
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.

Stuart Howden

AUTHORISED OFFICER

Date: 27th July 2022

Site Description

The site comprises a detached bungalow and its curtilage sited on the eastern side of the highway. The plot measures approximately 19m from side to side and 21m from front to back. The bungalow, sited near the middle of the plot, measures 14.3m by 5.9m and has a hipped roof. It is within a high-density residential area consisting of mixed house types. There is a gentle downward gradient from north to south along the street. The bungalow is timber-framed and clad, and has a roof made of felt shingles. The site is not within a conservation area nor is it within close proximity to any listed buildings.

Description of Proposal

The proposal is for the demolition of the existing bungalow and the erection of 2 no. two storey semi-detached dwellings.

The dwellings would have a simple rectangular plan with a gable roof, and a combined footprint would be 15.1m by 8.5m. They would have a combined living-kitchen area and integral single garage at ground floor, 2 bedrooms and a study at first floor.

They would be placed near the centre of the site, an average of 7m from the rear boundary. A driveway would be provided to the front of each dwelling.

Proposed materials would be stone and tiles.

History of negotiations/amendments received

The case officer sought amendments to the boundary treatment and clarification of landscaping in the interests of visual amenity, and also requested details of refuse storage to be added. Amended plans were submitted (17-Jun, 20-Jun). The plans were not re-advertised because the changes made the boundary treatment less prominent and less visually intrusive and was not considered to raise substantial new planning issues.

20-Jul-2022: Amended plans reducing width and increasing the distance between side walls and boundaries. These plans were not readvertised because they were a reduction and therefore did not have any additional amenity impacts.

22-Jul-2022: Amended site and location plan showing bin store set back from highway boundary. Not readvertised because it was considered to have no additional implications for residential or visual amenity.

Relevant Planning History

2022/90203 – Demolition of existing bungalow and erection of two semi-detached dwellings. Refused, no appeal submitted. Reasons for refusal:

"1. The proposed new dwellings, by reason of their being two-storey with rear-facing bedroom windows and because of their closeness to the rear site boundary, would result in a materially greater degree of overlooking of the rear gardens of neighbouring properties, in particular no. 59 George Avenue, than exists at present. It is considered that this would lead to an unacceptable loss of privacy for existing occupants and would also compromise privacy for the occupants of the new dwellings. It would thereby fail to provide a high standard of amenity for future and neighbouring occupiers, and would not accord with the aims of LP24(b) and Principle 6 of the Housebuilders Design Guide Supplementary Planning Document.

2. Proposed parking provision, at two spaces per dwelling, is deemed inadequate for a four-bedroom house taking into account the location and accessibility of the site and the size of the dwelling as required by Policy LP22 of the Kirklees Local Plan and Principle 12 of the Housebuilders Design Guide Supplementary Planning Document. It is therefore likely that the development would give rise to increased parking on the public highway. The development would therefore not ensure the safe and efficient flow of traffic as required by Policy LP21 of the Kirklees Local Plan."

Representations

Final publicity date expires: 03-May-2022. Publicity by neighbour letter only thereby fulfilling the requirements of the Development Management Procedure Order.

One representation made. Summary of concerns raised:

1. Reduction of light into living room and front garden;
1. Loss of open aspect and views;
2. Overlooking from upper storey;
3. The tall fencing, gates and pillars are not in character with the area and will make the downstairs rooms of the new dwellings dark. Also not good for community and neighbourliness.
4. The pillars, gates and high fences make it difficult for new residents to enter and exit their properties safely, as the turns needed, especially for larger cars, will be too sharp.
5. An established tree, hedging and small trees will be removed, and replaced by more hard landscaping, which is harmful to biodiversity and natural drainage.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

No consultations were deemed necessary on this occasion.

Highways Development Management objected to the previous scheme on the grounds of the lack of sufficient parking for the number of bedrooms, whilst KC Trees raised no objections.

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 without designation on the Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of 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:** Highways and access
- **LP 22:** Parking
- **LP 24**: Design
- **LP 28**: Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees
- **LP 51:** Protection and improvement of local air quality

Supplementary Planning Documents:

- KC Highways Design Guide 2019

The following SPDs were adopted on 29th June 2021 can be viewed on the council's website at https://www.kirklees.gov.uk/beta/planning-policy/adopted-supplementary-planning-documents.aspx:

- Housebuilders Design Guide Supplementary Planning Document, (HDG SPD)
- Open Space Supplementary Planning Document

These are now a material consideration in the determination of planning applications.

The following two documents have also recently been approved by Cabinet and these can be viewed at: https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in G:\Planning\SPDs & Guidance Notes.

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 9 – Promoting sustainable transport
- 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 69 of the NPPF recognises that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should… support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".*

Although the Local Planning Authority can demonstrate a five-year land supply at the present time (5.17 years as noted above), it is noted that the development of this plot would be contribute to the housing supply in the district. The provision of housing needs to be balanced against all policies and material planning considerations considered below.

The proposal will be further 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 must incorporate biodiversity enhancement measures.
- LP33 – Trees and woodlands of significant amenity should be protected.
- LP51 – Protection and improvement of local air quality

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) 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible) and 9 (which seeks to prevent unacceptable impacts to highways safety).

The application would result in two dwellings in a site of 418 sqm. This is equivalent to 48 per hectare and is considered to make efficient use of the site. As such it would in principle support the aims of Policy LP7 and NPPF Chapter 11. As previously stated, it is in an area of high-density housing. The acceptability of the proposed development will however depend upon a comprehensive assessment of all aspects of visual amenity.

2 –Impact on visual amenity: The proposal will be considered having regard to the aims of LP24a, and also those of the Housebuilders’ Design Guide, in particular:

> Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
> Principle 5 – Development should maintain open space and residential amenity.
> Principle 13 – Materials should be appropriate to the site’s context.
> Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
> Principle 15 – The design of the roofline should relate well to the site context.

Una Place is a very short residential street that does not have a clearly defined character. However, looking at a somewhat wider area including George Avenue, the site lies within an area of high-density housing in which most dwellings are set back a similar distance from the highway boundary and

with only a short offset from the side boundaries. The area is dominated by two-storey houses not bungalows.

The proposed development would represent a net increase in footprint as well as height, but the placement of the dwellings within the site in relation to front and rear site boundaries would resemble that of nos. 3-5 adjacent and neighbouring dwellings on George Street to the south. The dwellings would have a simple rectilinear plan and flat frontage (except for a small canopy porch). The overall height would not appear materially different to no.3-5. Roof style and pitch, and the proportion would also resemble that of nos. 3-5. The dwellings would each have an integral garage, which is not a typical feature of the area, but the garages would not dominate the front elevation and it is considered that they would not have an adverse impact on their appearance.

Whilst the window style and placement does not closely mimic that of surrounding properties, it is considered that it would be acceptable given the variety of house designs that exist locally.

Highway boundaries in the local area are typically low stone walls, often with a privet hedge behind, with some examples of low close-boarded or picket fences. The proposed fences, gates and piers, which would originally have been unsympathetic to the area owing to their height, have been reduced in height during the application process from 1.7m to 1.0m. This creates a more open and permeable frontage and the overall appearance is now judged acceptable and in keeping with its surroundings (this does not necessarily mean that the gates do not raise highway safety concerns – see part 4 below).

It is considered that the new houses would in terms of layout, scale, built form and design details accord with the aims of KPD 2, 5, 13,14, and 15, subject to details of walling and roofing materials which can be conditioned. As such it would accord with the aims of LP24a in addition to Chapter 12 of the NPPF.

3 – Impact on residential amenity: Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings

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.

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 is pertinent to note that the standards in Principle 6 above do not explicitly give a recommended minimum distance that should be maintained between habitable room
windows and neighbouring gardens

“Adjacent undeveloped land” is usually understood to mean land with development potential, but it can also be taken to include residential gardens even if these do not have the potential to accommodate new dwellings, and the 10.5m standard can therefore be treated as a guideline.

The dwellings, as previously stated, would face the boundary with the garden of 59 Birkby Lodge Road at an average distance of 7m. This is only ~1.5m closer than the existing bungalow, but the new houses would be two-storey.

If built with their principal bedroom windows facing to the rear would give rise to a materially greater degree of overlooking of the neighbouring garden of 59 Birkby Lodge Road Avenue than exists at present and result in sub-standard privacy for occupants of this garden and the reason for refusal of the previous application at the site. It is considered that such an arrangement would not result in an unacceptable degree of window-to window overlooking because of the angles between the new dwellings and existing dwellings to the rear of the site.

The scheme now under consideration has only bathroom and landing windows facing the rear at first floor. This overcomes one of the principal reasons for refusal (overlooking). Permitted development rights for new windows in the first-floor rear elevation should be removed (or limited to high-level only) by condition to retain the privacy of neighbouring dwellings and future occupiers in accordance with Principle 6 of the SPD, Policy LP24 of the Local Plan and Chapter 12 of the NPPF.

The rear wall would also face towards the rear garden of no. 10 George Avenue. However, and rear windows in this elevation would only overlook the

lower part of this property's garden, which is already overlooked by the rear windows of 3 Una Place, so it is doubtful that the impact on privacy would be material.

The proposed dwellings would also have rear-facing ground floor windows. The plans do not indicate whether or not new boundary treatments to the rear or side boundaries are to be implemented as part of the development. The existing side and rear boundaries are formed by privet hedges but the rear one in particular does not provide a solid or continuous screen, and given that there would be some underbuild at the rear, would not be high enough to completely prevent a line of sight into the adjacent gardens. It is noted that the existing dwelling has one large habitable room window facing the rear boundary, but the proposed scheme would replace one dwelling with two and would be 1.5m closer to the boundary. The rear facing windows as shown would give light to a utility room and kitchen (of which only the former is to be obscurely-glazed). It is considered on balance that it would be disproportionate to the require the kitchen windows to be obscurely glazed but it is considered that it would be reasonable to impose a condition requiring details of proposed boundary treatments (which may include retention of existing ones), in order to ensure that overlooking of rear gardens is not materially increased.

The only other possible breach of the 21m guideline would be between the ground floor windows and those of nos. 10 and 59 George Avenue at the rear. Given the angle of mutual overlooking, it is considered that this relationship would not be intrusive.

The front elevation of the new dwellings would be 6.5m from the highway boundary and therefore approximately 21m from the facing front elevation of 8 Una Place. They would be approximately 20m from the nearest window in no. 10, a ground floor window which is within a side extension and may or may not be habitable. It is considered that the relationship would not be close enough to cause an undue loss of privacy, undue loss of light or overbearing impact, and is similar to established across street relationships.

No. 61 George Avenue is located to the north of the site, close to the common boundary. The northern side elevation of the new development would be separated from the southern or rear wall of no. 61 by only 4.1m. According to the plans approved under application 2001/90389, the two south-facing windows that would potentially be affected are a kitchen and living room. The living room however has an alternative outlook to the front or north, and appears to be located forward of the front elevation of the new dwelling so that its outlook would not be towards the new side wall but over the front garden. Whilst it is acknowledged that the replacement of a single-storey with a two-storey dwelling would have some impact on light (including direct sunlight) and outlook, these are already severely limited both by the presence of the existing dwelling and the boundary hedge, which the windows face across a narrow strip of garden about 2m wide. No. 61 has more useable amenity space at the front. Kitchens are generally not classed as habitable rooms, and on this basis the new development would appear to comply with

the 12m standard referred to above, and whilst it may result in some additional limitation of light to the kitchen window, it is considered that the effect would not be material enough to justify a refusal. It is also considered that the overall impact on no. 61 would not be overbearing. The other bedroom window in no. 61 would overlook the new dwellings' rear gardens, compromising privacy for future occupants, but as this situation already occurs it would be difficult to justify a refusal on the basis of this factor. No side windows are proposed to prevent overlooking or loss or privacy to No.61.

The new dwellings (as first submitted for this application) would not have maintained the recommended 2m between their own side wall and the plot boundary. Whilst it is debatable whether there is a "regular street pattern" given the lack of uniformity in house type and layout, it is noted that most houses on Una Place and George Street maintain approximately 2m from their respective side boundaries, and sometimes more, the main exceptions being those along the north-western stretch of George Avenue. Whilst the earlier version of the plans would, it is considered, have given rise to a cramped appearance because the separation distance was unacceptably small, the latest plans show that it the new build would maintain 2.1m to the northern side boundary. Between the southern side wall and the southern boundary a minimum of 2m would be maintained. This arrangement is now considered acceptable.

3 Una Place has no side windows and the proposed building would be set in a similar building line thereby helping to prevent undue harm to the amenities of this property in terms of loss of light, loss of outlook and overshadowing.

The plans indicate there would be no side-facing ground floor windows, and it is recommended that it be conditioned that no side-facing ground floor windows are formed unless obscurely glazed, as the side elevations would be very close to neighbouring boundaries and could allow for undue impacts to privacy.

The amount of external amenity space is on balance considered acceptable having regard to overall amount of floorspace and the prevailing character of the area. Internal floor area, at 128sqm, would be in excess of the minimum set out in the Nationally Described Space Standards. It is also considered that a suitable amount of garden space would be provided for both dwellings.

In conclusion, it is considered that the development would accord with the aims of Policy LP24(b) of the Kirklees Local Plan and Chapter 12 of the NPPF, having demonstrably overcome the previous amenity-related reason for refusal.

4 – Impact on highway safety: Una Place is a short 30mph two-way single carriageway local access road of approximately 6.5m width with footways on both sides and street lighting present. Some of the properties opposite have no off-street parking and so there is evidence of some on street parking occurring.

It is unlikely that a development of this size and type would generate sufficient additional trips as to have a severe impact on the operation and efficiency of the local highway network. The development would involve forming a new access to the site. Given the nature of the surrounding highway network and the average traffic speeds and volumes, it is considered that safe access to the highway network could be obtained.

The plan shows a 3m-wide integral garage serving each dwelling, and a parking area in front of each new dwelling 4.4m wide, making it more than wide enough for one car but too narrow for two cars. The access to the highway would be wide enough for one car only.

The plan shows a 3m-wide integral garage serving each dwelling (considered large enough for a car), and a parking area in front of each new dwelling 4.4m wide, making it more than wide enough for one car but too narrow for two cars. On the earlier plans, the access to the highway was shown as being 2.5m wide for each property; on the latest version it would be just over 3m wide, which is considered an improvement since it would allow more convenient access and egress on to a relatively narrow road.

Guidance set out in the Highway Design Guide suggests that two off-street parking spaces should be provided for a dwelling with two or three bedrooms. It is considered that parking provision would be adequate to serve the development as long as both the garage and parking space / driveway are provided before first occupation and both retained subsequently. The plans make no provision for visitor parking, but this is not a standard requirement and would not normally be requested for only two new dwellings unless there were very significant highway safety concerns. Furthermore, the arrangements will be an overall improvement on those provided for the existing bungalow which does not have any off-street parking. It is however considered necessary to condition the removal of permitted development rights for garage conversions to prevent street parking.

The use of permeable materials can be conditioned in the interests of minimising contribution to flooding. The application form states that the driveway surfacing materials are to be “brick paviours or coloured tarmac” which can be permeable.

In conclusion, it is considered that the development would not prejudice the safe and convenient use of the highway. The parking provision, at two spaces per dwelling, would be an appropriate number taking into account the local availability of public transport, the accessibility of the site, and the type and location of the development, as required by Policy LP22, and would ensure the safe and efficient flow of traffic as required by Policy LP21. This overcomes the second of the two reasons for refusal. It would also accord with the aims of Principle 12 of the SPD and Chapter 9 of the NPPF. This is provided the integral garage is retained and not converted to habitable accommodation.

It has been Kirklees practice for many years not to allow the installation of gates in new developments that open over the highway. Paragraph 3.24 of the Highway Design Guide states that security gates that open over the highway will not be supported. They should be designed to open inwards or slide so that they do not obstruct the public highway or footway when open. Inward opening gates would probably not be an option here because of the limited space on the driveway. If sliding gates were to be installed this would mean they would open over the path of the pedestrian gateway, so this might not be very practical for future users. It is therefore proposed that a condition be imposed to the effect that notwithstanding the details on the approved plans, no gates are installed on the driveways or at the vehicular access point at any time.

5 – Other matters:

Permitted development rights:
It is recommended however that owing to the size of the plot and its relationship with the rear boundary, permitted development rights for extensions, including roof and upper floor extensions, should be removed, as these could result in a material loss of privacy to neighbouring properties, and in the case of ground floor extensions, could result in harm to local character as a result of overdevelopment of the plot.

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, having regard to the aims of Principle 18 of the SPD.

The site is in a moderately sustainable location, since it is situated about 850m from the nearest bus stop with a frequent service; there are bus stops closer which have only a few services per day. Measures to reduce carbon emissions could be incorporated into the design – these could include, but not be restricted to, on-site energy generation, and can be the subject of a condition.

Trees:
Principle 7 SPD advises that proposals should retain existing features within the site such as trees and natural wildlife habitats.

There is a mature tree near the site frontage which the Arboricultural Officer has identified as a hybrid Black Poplar. It is not covered by a Tree Preservation Order. It is not acknowledged on the plans and it is unlikely that it would be possible to retain it. The tree is considered to add some amenity value to the area. The Arboricultural Officer previously advised that the long-term retention of the tree may not be possible in the long term, even with the existing bungalow, because Black Poplars have long-ranging root systems, and has therefore previously advised the case officer that they would have no objection to the development and to the tree's removal.

Ecology:
The site is in the bat alert layer and extensive semi-natural habitat lies to the south and west within 200m of the site. Based on observations on site, the bungalow is unlikely to have bat roost potential in its present condition, and the rear garden is unlikely to have much ecological value. Ecological enhancement measures can however be conditioned in accordance with the aims of LP30 and SPD Principle 9. The Ecology Officer has advised that it will be sufficient to condition the installation of a bat box on each property since requiring other measures would be disproportionate given the nature of the site and the size of the development.

Refuse storage and collection:
The plans show an enclosure for 2 x 360 litre refuse bins in the front garden. The SPD (Principle 19) accepts that provision of refuse storage facilities at the front of a dwelling may be appropriate as long as their visual impact is minimised. The site plan shows an enclosure around the bins but gives no details. For the avoidance of doubt it is recommended it be conditioned that it is a timber fence of 1m.

Placing the bins against the highway boundary would however be inadvisable as it would create the opportunity for their misuse by passers-by or other local residents who might use them to dispose of litter or domestic waste, thus contaminating the contents. As this is not in the best interests of ensuring the separation of wastes, it is recommended that the bin store should be set back at least 1m from the highway boundary. The architect has agreed to this in principle and has amended the drawing showing each bin store set back 1.5m from the highway boundary. The provision and retention of the arrangements shown on the plans can be conditioned.

A collection point has not been shown. It is assumed from the layout that bins would be placed on the pavement on collection day. Whilst this should ideally be avoided, it would be difficult to incorporate a collection point within the site since the proposal is designed with a gated frontage, and furthermore it is acknowledged that this already occurs with existing dwellings on Una Place that have not been designed with collection points. It is considered that additional impact of just one additional dwelling presenting their bin in this way, on what is a relatively quiet road, would not be likely to give rise to a material increase in highway safety problems.

Drainage:

It is proposed that disposal of foul sewage and surface water are to be by the main sewer. There are presumably existing connections, the proposal represents only a modest increase in built footprint, so it is considered that it would not have major implications for drainage. In accordance with the approach generally taken for new developments of this scale, the applicant will not need to demonstrate net run-off reduction as it would be considered a disproportionate measure.

6 – Representations: Concerns relating to visual and residential amenity have been examined in depth in the main part of the report but are summarised below with other concerns raised and officer responses:

Reduction of light into living room and front garden;
Response: This factor has been considered in part (3) of the Assessment and it is considered that it would not result in undue loss of light.

Loss of open aspect and views;
Response: Again, the possibility of loss of open aspect has been considered in part (3) of the Assessment and it is considered that the impact would not be materially negative. Obstruction to a view across third party land is however not something that can be taken into account as a material consideration since it is deemed a private interest.

Overlooking from upper storey;
Response: As set out in in part (3) of the Assessment, the new development would be generally compliant with the recommended minimum distances in Principle 6 of the Housebuilders' Design Guide SPD (subject to obscure glazing where appropriate) and where shortfalls occur these are clearly justified.

The tall fencing, gates and pillars are not in character with the area and will make the downstairs rooms of the new dwellings dark. Also not good for community and neighbourliness.
Response: The gates and piers are not typical of the area. However, with the reduction in the height of the boundary treatment (including the gate piers), the overall appearance is judged acceptable.

The pillars, gates and high fences make it difficult for new residents to enter and exit their properties safely, as the turns needed, especially for larger cars, will be too sharp.
Response: Driveway width has been increased – see Part (4) of the Assessment.

An established tree, hedging and small trees will be removed, and replaced by more hard landscaping, which is harmful to biodiversity and natural drainage.
Response: It is considered that it would be difficult to justify a refusal on drainage impacts for the reasons set out earlier in the report. The existing Black Poplar makes a modest contribution to local amenity but for the reasons

set out above its retention would not be appropriate. The site is considered to have limited biodiversity value in its present condition. Measures to ensure biodiversity net gain (a bat box) can be incorporated into the scheme by condition.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2022/91041

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 LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30, LP33 and LP51 of the Kirklees Local Plan, Principles within the Kirklees Housebuilders Design Guide SPD and Chapters 2, 4, 5, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. Samples of all external walling and roofing materials to be used in the proposed development shall be left on site for the inspection of, and approval in writing by, the Local Planning Authority, before work on the superstructure of the development commences and the development shall thereafter be implemented using the approved materials.
Reason: In the interests of visual amenity and to accord with Policy LP24(a) of the Kirklees Local Plan, Principle 13 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4. Before any new dwelling is first occupied, details of proposed boundary treatments for the rear gardens of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments thus approved shall be implemented before the dwelling to which they relate is first occupied and thereafter retained.
Reason: To ensure that the development safeguards the privacy of existing and future residents and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Housebuilders Design Guide SPD.

5. Prior to the development being brought into use, the areas to be used for the parking and manoeuvring of vehicles as indicated on the block plan (Drawing No. 99 Revision C) shall be surfaced and drained in accordance with the Communities and 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 superseded. These shall thereafter be retained and kept clear of all obstructions to their use for the parking and manoeuvring of vehicles. **Reason**: To achieve a

satisfactory layout in the interests of highway safety, to mitigate flood risk and to accord with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD and Chapters 9 and 14 of the National Planning Policy Framework.

6. 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 integral garages shall be retained as such and shall not be converted to living accommodation.
Reason: To ensure that there is adequate room for vehicles to park within the site at all times without obstructing turning space or giving rise to obstructions to the public highway, in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

7. The facilities for the storage of wastes as shown on Drawing No. 99 Revision C shall be provided and laid out with a hardened and drained surface before the dwelling to which it relates is first occupied. The bin enclosure shall consist of a timber fence of 1m in height. These facilities shall thereafter be retained as such and kept clear of all obstructions to their use for the storage of refuse containers.
Reason: To ensure that there are satisfactory facilities for the storage and separation of wastes, to prevent misuse or contamination of waste containers, and to accord with the aims of LP24(d)(vi) of the Kirklees Local Plan and Principle 19 of the Housebuilders Design Guide SPD.

8. Prior to the first occupation of the dwelling hereby approved, all first-floor windows in the rear elevation of the dwellings hereby approved shall be fixed shut, unless parts of the window which can be opened are more than 1.7 metres above the floor level of the room the window is to serve, and obscurely glazed (to give a grade 5 degree of obscurity). 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 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(b) of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no window or door openings shall be formed at ground floor level in the side elevations or first floor rear of the proposed dwellings, except those expressly allowed by this permission, at any time, unless these are to have a cill height not less than 1.68m above internal floor level.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Housebuilders Design Guide SPD.

10. 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 extensions or outbuildings falling within Part 1, Class A, B, or E of the aforementioned Order shall be erected or constructed within the site at any time.
Reason: So as to ensure that inappropriate extensions, alterations to the roof and outbuildings do not give rise to loss of privacy to the occupants of neighbouring properties arising from loss of privacy or detract from the character of the area as a result of overdevelopment of the site, to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2 and 6 of the Housebuilders Design Guide SPD.

11. A minimum of one artificial bat roost feature shall be installed on the eastern or northern elevation of each dwelling before the dwelling to which it relates is first occupied, and thereafter retained. The bat roost feature shall be made of a durable weatherproof material and shall be placed at least 4m above ground level and not directly above a door or window.
Reason: To ensure that the development delivers biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

12. Before work commences on the superstructure of the dwellings, 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 the dwelling to which it relates is first brought into use and thereafter retained as such.
Reason: To ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with Policy LP41 of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

13. One electric vehicle recharging point shall be installed within the dedicated garage or parking area of each of the hereby approved dwellings 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 points so installed shall thereafter be retained.
Reason: In accordance with Policy LP24(d & v) of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD, Chapter 14 of

the National Planning Policy Framework and Government guidance on air quality mitigation, outlined within the Planning Practice Guidance, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

14. Notwithstanding the details on the approved plans and 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the proposed gates at the vehicular accesses are not approved and shall be omitted, and no gates shall be installed on or at the entrance to the driveways (displayed on Drawing No.99 Revision C) at any time.
Reason: To prevent obstruction to the public footway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and paragraph 3.24 of the Highway Design Guide.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			25-Mar-2022
Proposed block plan	100	E	22-Jul-2022
Existing site and location plan	101	C	17-Jun-2022
Existing floorplans	102		25-Mar-2022
Proposed ground floor plan	103	C	20-Jul-2022
Proposed first floor plan	104	C	20-Jul-2022
Existing front and side elevations	105		25-Mar-2022
Existing rear and side elevations	106		25-Mar-2022
Front aerial view	107	C	20-Jul-2022
Rear aerial view	108	C	20-Jul-2022
Proposed front elevation and street view	109	C	20-Jul-2022
Proposed side and rear elevations	110	B	20-Jul-2022
Proposed street views	111	C	20-Jul-2022
Proposed site plan	99	C	22-Jul-2022
Proposed location plan	100	E	22-Jul-2022
Design & Access Statement by Jade 3 Architecture	2021 Enquiry 93	-	25-Mar-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 sought amendments to the boundary treatment and clarification of landscaping in the interests of visual amenity, and also requested details of refuse storage to be added. Amended plans were submitted and the proposal was assessed on this basis.

Report Dated: 26-Jul-2022