

**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:	2022/60/91328/W
Site Address:	adj, 962, New Hey Road, Outlane, Huddersfield, HD3 3FE
Description:	Outline application for residential development
Recommending Officer:	Stuart Howden

DECISION – Refuse Outline Planning Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 20-Jan-2023

Officer Report

Site Description

Adj 962 New Hey Road, Outlane, Huddersfield, HD3 3FE

The site is located to the North West of New Hey Road/A640 and comprises a rectangular area of maintained grass bounded by a drystone wall. The site sits in between the dwellings of No's. 956 and 962 New Hey Road. To the rear/North West of the site are the properties of No's.1-5 Daisy Lea, which are accessed by a track adjacent to No.962 New Hey Road. Between Daisy Lea and the site is a single storey outbuilding. No. 960 New Hey Road is located to the rear of No.962 New Hey Road. It is understood that the site is under the same ownership as No.962 New Hey Road.

The locality has a semi-rural character, with open countryside located to the North West of the site. Residential development surrounds the site to the sides and rear. The buildings located to the rear of the site, No's. 1-3 Daisy Lea are Grade II listed. The site is also located approximately 140 metres to the North West of the M62 Motorway (as the crow flies).

The site is adjacent to Calderdale Metropolitan Borough Council, which is to the North West of the site and the neighbouring Local Planning Authority have been consulted.

Description of Proposal

Outline planning permission is sought for residential development. Access, layout, scale and appearance are all matters for determination at this stage, with the matter of landscaping reserved for approval at a later stage.

A plan has been submitted displaying the proposed siting of the access and dwelling on the site and the proposed scale and appearance of the dwelling. This plan displays a dwelling of rectangular form to the rear of the site, and it runs adjacent to the side boundary shared with the property of No.956 New Hey Road. The dwelling is proposed to have a footprint of ~11.8 metres by ~4.7 metres, with the principal elevation of the dwelling facing towards the side (South West), and the narrow side elevation facing towards New Hey Road. The dwelling is proposed to be single storey in height with an eaves height of ~2.5 metres and ridge height of ~3.8 metres, and the dwelling is proposed to be constructed from natural stone under a stone slate roof.

A new access is proposed from New Hey Road into the site, and this would be close to the boundary shared with No.956 New Hey Road. A driveway and turning area are proposed to the front of the dwelling. A garden area is proposed to the front and South West side of the dwelling.

In the submission, it is acknowledged that a plan with renders and Planning Statement and Heritage Impact Assessment have also been provided.

History of negotiations/amendments received

Officers have raised concerns with residential development on the site at the pre-application advice stage. Whilst the dwelling's siting, scale and massing, as well as design proposed under this planning application differs to that under the pre-application request, this is not considered to overcome in principle concerns previously held by Officers. Hence, the application has been recommended for refusal with no amendments sought.

The above being noted, Officer's received a response from the applicant's agent after the Council's Conservation Officer's formal objection to the application. This response has been taken into account in the assessment of the proposal. In addition, following the request of further information from by the Council's Highways Officer, the agent provided an additional plan which addressed the concerns of the Highways Officer.

Relevant Planning History

88/04853 – Outline application for residential development – Refused on 28th October 1988.

Representations

Final publicity expired:

Neighbour Letters expired on 3rd June 2022; Press advert expired on 5th June 2022; Site notice expired on 10th June 2022.

The application was advertised by press advert given the potential for the development to affect the significance and setting of a nearby Grade II listed building (which lies within the Calderdale Council area)

7 representations have been received, 4 which support the application, 2 of which raise general comments and 1 of which objects to the application. The comments raised will be summarised below with full comments being available to view on the Council's Planning Webpage:

Representation of objection:

- Concerned that the applicant is trying to obtain planning permission so that they can generate more money for the field under the guise of building a very small dwelling suitable maybe as a bedsit that will not be in keeping with the area and will affect the visual amenities of the area and amenities of the listed building (which also includes the outhouses).
- Dwelling will not be in-keeping with the existing properties.
- Proposed to increase the price of the field in which the applicant intends to sell for a bigger profit. This proposal is not for a unit of accommodation for an elderly family member to remain in the village. There are plenty of properties in Outline to purchase and rent already.

- There is a traffic island on New Hey Road which will hamper the proposed entrance into the site onto what is a busy road which is notorious for speeding vehicles. Cars often overtake, and sometimes around this traffic island thereby increasing the likelihood for conflict.

Representations of support:

- Sustainable and accessible home for a local resident.
- Will allow a long-standing resident, who is a key member of the community, to remain in village surrounded by friends and family.
- As the site is not within the Green Belt, it makes sense to infill this space with a much needed sustainable and accessible property (which is generally lacking in Outlane).
- Will create a perfect property for the applicant to downsize into.
- Design and orientation respects the neighbouring properties and listed building.
- Vast majority of site will remain as open garden, thereby retaining views of the listed building from New Hey Road, therefore the harm to the listed building is minimal, particularly in light of the benefits.
- Materials to match adjacent properties and the dwelling will be a lovely addition to the community.
- Materials will allow the property to compliment and blend in with the surroundings.

Representations with general comments:

- Scheme is sensitive to the area and would not have 'too much of a detrimental effect on' the Grade II listed Daisy Lea, but the entrance to the driveway is already busy with cars, and comes out on to a main road where speeding traffic is often a problem.
- The idea is a positive one, but this is provided consideration is given to the long term, with respect to neighbours and the overall conservation of the immediate and wider surrounding area.
- Would like guarantees that this would be the only property being erected in respect of the existing listed building, to support green conservation, keeping the surrounding landscape and trees.
- If development is allowed, a condition should be attached stating that no further residential development is allowed on the remaining land in the future.
- The removal of the drystone wall which separates the site and No.952 would potentially disturb the ground making it quite unsafe.
- Drainage is an issue. Drains on the road outside the proposed site are rarely flushed and maintained, which leaves the road and pavements flooded in heavy rain. There are many natural springs in the area and this needs to be considered when surveys are conducted of the site, as it could impact on neighbouring properties in the future once the ground is disturbed.
- Highways safety concerns with an access close to a traffic island.

Whilst Officers received a response from the applicant's agent after the Council's Conservation Officer's formal objection to the application and a swept paths plan after a request from the Highways Officer, it was not considered necessary to re-consult third parties given that the proposal remained similar following receipt of this additional information.

Consultation Responses

The below is a summary of consultation responses, with full comments available to view on the Council's Planning Webpage:

KC Conservation & Design: Strongly object to the principle of development on the site due to the harmful impact this would have on the setting of the Grade II listed Daisy Lea and the historically connected curtilage site.

KC Environmental Health: No objections subject to conditions.

KC Ecology: As part of the reserved matters application, the applicant should engage with a suitably qualified ecologist to undertake a Preliminary Ecological Appraisal.

KC Trees: No objections.

KC Highways Development Management: Following the receipt of an additional plan, no objections subject to a condition and footnote.

Calderdale Metropolitan Borough Council: No comments received.

West Yorkshire Archaeology Advisory Service: 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 within the Local Plan. The site is within close proximity to the Grade II listed Daisy Lea, which is directly to the North West of the site (and lies within Calderdale Metropolitan Borough Council).

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 11** – Housing Mix and Affordable Housing
- **LP 20** – Sustainable Travel
- **LP 21** – Highways Safety and Access

- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 34** – Conserving and Enhancing the Water Environment
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality.

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 Healthy and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **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
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Considerations:

- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- Planning (Listed Building & Conservation Areas) Act (1990)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (and the historic environment)
- 3) Impact on residential amenity
- 4) Impact on highway safety

- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) 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 of the NPPF 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 without notation on the KLP Policies Map. Policy LP2 of the KLP 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 site is within the Kirklees Rural sub-area. The listed qualities will be considered where relevant later in this assessment.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. 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.

Policy generally seeks to support residential development upon unallocated sites. Of note, Paragraph 69 of the NPPF states 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.”* This paragraph goes on to note that 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.”*

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 2 dwellings. However, Policy LP7 states this target should be *‘where appropriate’* and in the policy justification set out in paragraph 6.40 it notes that the policy allows for lower *‘densities where a site would not be compatible with its surroundings’*.

One dwelling is proposed in this instance. As will be discussed below, Officers have concerns that even one dwelling will appear contrived on the site in relation to surrounding development, therefore would not wish to see two.

In respect of the above, the quantum of development could be considered acceptable in respect of Policy LP7 of the KLP 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 (and the historic environment):

Policy Context

The site is within close proximity to the Grade II listed building of 1-3 Daisy Lea, which is located within Calderdale Metropolitan Borough Council.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”* This echoes guidance in Chapter 16 of the NPPF.

In addition, in terms of visual amenity, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 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.

Policy LP24 of the KLP 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 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

Principle 8 of the SPD is considered relevant given the urban fringe location of the site, and this states the following: *“The transition from urban to open land should be carefully considered where development is located on the edge of the urban area. Proposals should demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design.”*

Principle 15 of the SPD 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, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Visual Amenity

The site, which does not have any built development on it and comprises of soft landscaping, is considered to provide a pleasant open setting to the existing buildings grouped around it. It also helps to contribute to the pleasant, relaxed and semi-rural character of the locality. Officers therefore consider that there would be harm to the character of the local townscape by building on this undeveloped site, not just by virtue of the dwelling, but also the associated hard-surfacing.

In addition to this, the dwelling would be sited to the very North East of the site and run adjacent to this side boundary (so as to try and prevent the scheme obscuring views of the listed building), but it is considered that by doing this, it would result in a dwelling that would appear as a standalone feature within the locality that would fail to sympathetically integrate with existing development. Of note, it would fail to sympathetically relate to the adjacent dwellings on New Hey Road or the terrace complex to the rear. The contrived and alien nature of the development within the locality would be exacerbated due to narrow depth of the dwelling compared to existing residential development and the single storey scale of the development amongst two storey dwellings. Officers consider that the submitted rendered plan only demonstrates that the proposed development would appear as a contrived and visually jarring development in the locality.

Officers note that the applicant's agent has referred to the building appearing as a barn. Whilst the form would be linear and simple, the building is not considered to have a barn like appearance due to the detailing, and it is considered to appear domestic. Nonetheless, even if a barn type approach were to be taken here, Officers consider that such a design approach would appear arbitrary and alien on this bounded garden area surrounded by dwellings.

Officers consider the site to be constrained, and that by altering the development to address certain issues will only result in other significant

problems hence why amendments have not been sought. These concerns were relayed at the pre-application stage.

Whilst it is acknowledged that the materials, in principle, would respond to local vernacular, and the fenestration details could be made acceptable, this does not address the significant concerns outlined above by Officers.

In terms of landscaping, this is a reserved matter. However, given the pleasant and open nature of the site, it is currently considered to make a positive contribution to the semi-rural character of the area therefore should permission be granted care would need to be taken to ensure any landscaping does not result in the undesirable urbanisation of this site. This results to both hard-surfacing and new means of enclosure.

In summary, it is considered that the proposed development, by virtue of its siting on a site without built development which makes a positive contribution to the character and appearance of the area, its contrived layout, its single storey scale/height and its narrow depth, would fail to sympathetically integrate with existing development within the locality and would appear as an alien feature within the streetscene, detrimental to the character and appearance of the area. The proposal would fail to reinforce or enhance local distinctiveness. The proposal is therefore contrary to Policy LP24(a) of the Kirklees Local Plan, Chapter 12 of the NPPF and Principles 2, 5 and 15 of the Council's adopted Housebuilders Design Guide SPD.

Historic Environment

The Grade II listed 1-3 Daisy Lea comprises a terrace of 3 no. late 18th or early 19th Century cottages, which are constructed of local stone under stone slate roofs. No's. 4-5, which are part of the same terrace complex, do not form part of the listed building.

The plot of land subject to the application, as noted, is to the immediate South of the cottages, separated by a private road. The plot of land is bound by a continuous dry-stone wall to all four sides. There is a break in the wall to the North West with a pair of gate piers opposite to No.2 Daisy Lea. There is also an informal opening in the wall opposite No.962 New Hey Road.

The KC Conservation Officer states that No.962 and No's. 968-972, which are back-to-back construction, are likely to be of a similar construction date for No's. 1-5 Daisy Lea. The KC Conservation Officer states that it is entirely evident that the plot of land and the noted buildings form an important part of the setting of No's. 1-3 Daisy Lea.

Within the submission, there is a combined Planning Statement/Heritage Impact Statement. This assessment provides some detail and context of the site, but the assessment of the impacts is considered to be somewhat limited by the KC Conservation Officer.

As alluded to, the Local Planning Authority provided pre-application advice in relation to a dwelling on this plot. A point which was highlighted at the pre-application stage, was requiring greater understanding and consideration as to whether this plot of land (i.e. the site) formed part of the curtilage of Daisy Lea (i.e. whether the site forms part of the curtilage of the listed building). If the site forms part of the curtilage of the listed building, then the drystone wall could be considered a curtilage listed structure.

Within the submission there is a short section covering 'curtilage', of which there is mention of the guidance provided by Historic England. The Council's Conservation Officer considers that the submitted detail is limited, but has highlighted the historic connection of the plot of land to Daisy Lea. The submission has also confirmed the historic ownership of the site to Daisy Lea. The statement confirms that there is evidence of structures on the site, which are clearly displayed on the 1893, 1909 and 1918 OS maps. The detail however questions the use of the land in relation to Daisy Lea.

The Council's Conservation Officer concludes that there is currently insufficient detail to discredit that the land was not in the use of land in connection to Daisy Lea and given the historic opening and link to the site off Daisy Lea, the land being in the ownership of Daisy Lea, the evidence does strongly suggest that the site would form part of the curtilage.

Thus, the Council's Conservation Officer and Officers consider that, at this stage it would appear the site constitutes the curtilage of the listed building. It is noted that the applicant's agent has responded to this stating that this in itself should not automatically preclude development within the site. Officers are in agreement with this, but acknowledging what constitutes the curtilage of the listed building is considered to assist one in understanding the significance of a listed building and what contributes towards its setting.

Of note, the Council's Conservation Officer and Officers consider that the site forms part of the setting of the Grade II listed No's.1-3 Daisy Lea and has a strong historical connection, and has been used in connection with the site. Whilst the site has seen some small glasshouses erected on the site, it has remained largely open green space, and therefore provides a relaxed, pleasant and open setting to the listed building. It is considered that this front curtilage makes a positive contribution to the significance of this listed building.

The proposal has been revised from the initial pre-application submission being reduced in scale, simplified in form and changed in siting and orientation. Officers acknowledge the changes to the scheme since the pre-application submission which would therefore prevent the building totally obscuring the views of the aesthetically pleasing and charming front elevation of No's.1-3 from Daisy Lea. However, the introduction of a dwelling on the site, along with the hardstanding with vehicles would urbanise and partly erode the pleasant open setting of this listed building, thereby causing harm to the significance of this building. The front elevation of listed building would also be viewed in combination with this contrived form of development which would appear alien in the locality (as discussed in more detail above in the visual amenity section),

and this is considered to cause further harm to the significance of this building. In addition, the proposal would see the loss of a section of continuous curtilage listed drystone wall to south which would cause further harm to the significance of this listed building. Officers therefore considered that the proposal causes less than substantial harm to the Grade II listed building of No's. 1-3 Daisy Lea.

Furthermore, the application site is situated close to the Scheduled Ancient Monument of Cabodunum Roman Camp, Slack. West Yorkshire Archaeology Advisory Service (WYAAS) state that the Roman fort is located on the golf course to the south of the M62 whilst there are various reports and finds of burials and pottery and stone lined drains south of New Hey Road/Slack Lane (MWY46, MWY1425 and EWY7652).

WYAAS note that the first Edition Ordnance Survey map (Yorkshire Sheet 246, published 1854) shows a "Supposed Site of CIRCUS" partly lying over Daisy Lea. It is not known what this feature is or if it was an antiquity. It does not conform to any known common field monument in the UK (MWY6014). However, the feature is suggested to be associated with the Roman burials mentioned above.

Given this, WYAAS state that should planning permission be granted they recommend that a programme of archaeological observation and recording is held during any ground disturbance or excavation within the application site (an archaeological watching brief). Should permission be granted, such a condition could be attached.

As set out above, it is considered that the proposal would cause less than substantial harm to the significance of the Grade II listed building of No's.1-3 Daisy Lea. As set out in Paragraph 202 of the NPPF:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

In the submission, the applicant's agent has stated that the proposal would secure the optimum viable use. It is considered that the applicant's agent is referring to the development on this field providing an optimum viable use for the field. However, it is considered that the proposal would not help to secure the optimum viable use of the listed building. It should be noted that the listed buildings appear to be occupied in a residential use and are therefore in a viable use, and that the site is under different ownership to the listed building. Whilst it is acknowledged that there are benefits associated with the development of new residential dwellings, the benefits of one dwelling on the site are considered to be limited, especially in the context of the Council being able to demonstrate a deliverable five year housing land supply. Thus, the benefits of the development are not considered to outweigh the less than substantial (but serious) harm to the significance of the Grade II listed building and its setting.

In summary, Officers consider that the public benefits of the development would not outweigh the less than substantial harm that would be caused to the significance of the Grade II listed building of No's. 1-3 Daisy Lea and thereby the proposal is contrary to Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990).

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.

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 text supporting this principle also states that: *“For two storey houses typical minimum separation distances are advised:*

- *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.*

It is considered that the properties most likely to be affected by the proposed development are those adjacent, these being No's.1-5 Daisy Lea to the North West, No's. 960 and 962 New Hey Road to the South West and No.956 New Hey Road to the North East. It is considered that the proposed dwelling would be sufficiently sited so as to prevent undue harm to the amenity of any other neighbouring properties in terms of loss of light, loss of privacy or overlooking, loss of outlook or the creation of an overbearing effect.

No's. 1-5 Daisy Lea

No's. 1-5 Daisy Lea are located to the rear of the site and comprise of a two storey linear terrace complex. The principal elevations of these dwellings face towards the application site.

However, the front windows of No's.1-3 Daisy Lea would only directly overlook the garden of the proposed property. Given this, the set off of the dwelling away

from these neighbours and the single storey scale of the proposed dwelling it is considered that this would prevent undue harm to No's. 1-3 in terms of loss of light, loss of outlook or the creation of an overbearing effect.

No's. 4-5 Daisy Lea would directly face towards the proposed dwelling. Given the single storey scale of the dwelling, it is considered that the proposal would not result in a detrimental loss of outlook or loss of light to first floor front facing windows within these neighbouring dwellings. Whilst there are ground floor front facing windows serving habitable rooms within No's. 4-5, these would be ~10 metres away from the proposed dwelling, and when taking this into account along with the modest eaves height of the proposed dwelling and a roof which pitches away from these dwelling, it is considered that the proposal would not result in undue harm to No's. 4-5 in terms of loss of light, loss of outlook or overshadowing.

No.956 New Hey Road

No.956 comprises a two storey semi-detached dwelling which has its side elevation facing towards the site. The rear elevation of the proposed dwelling would run along the shared boundary with No.956. The South East side wall of the proposed dwelling would be set behind the front wall of No.956, but the North West side wall of the proposed dwelling would run past the rear wall of No.956 by approximately 4 metres.

It is considered that the proposed dwelling would be of sufficient height to prevent undue harm to the outlook and light received to the first floor side facing window within No.956 given the single storey height of the proposed dwelling. There are 3 side facing windows at ground floor level however. The side window closest to the front would have its outlook impacted and the proposal would reduce the amount of light this window received, but the window appears to serve a garage (a non-habitable room) therefore the impact upon this window is considered acceptable. Another side facing window is obscurely glazed and appears to serve a utility room, which again is a non-habitable room, and this room also appears to receive light from a rear window too. It is therefore considered that the proposal would not unduly impact upon this window in terms of loss of light or loss of privacy. The most rear side window serves a conservatory which is set off from the side boundary and benefits from other windows in the rear therefore it is considered that the proposal would not unduly harm the conservatory in terms of loss of light or loss of outlook.

As noted, the proposed dwelling would run beyond the rear wall of No.956 and as a consequence, the proposed extension would just breach the horizontal 45 degree line when measured from the nearest rear window. However, the nearest rear facing ground floor window appears to serve a non-habitable room (utility room) and the overall impact upon this room is considered acceptable. The next nearest ground floor rear facing window is set sufficiently off the side boundary to prevent it from be unduly affected by the proposed development in terms of loss of light, overshadowing or loss of outlook.

As the site is on slightly higher land to No.956 and the proposed dwelling runs beyond the rear wall of No.956 and is to the south of No.956, there is the potential for the proposal to overbear and overshadow the rear garden of this neighbouring property. That said, there would be some set off from the shared boundary and the eaves height of the proposed dwelling would be relatively low, with a roof pitching away from No.956. Whilst some overshadowing would occur toward the later hours of the day, given the above factors and that the garden of No.956 is of a relatively good size, it is considered that the proposal would not cause undue harm to No.956 in terms of overshadowing or the creation of an overbearing effect.

Whilst one rear window is proposed facing towards No.956, this is to serve a bathroom and it is considered that this can be conditioned as obscurely glazed and fixed shut should permission be granted to maintain an adequate standard of privacy for the occupiers of No.956.

No. 960 New Hey Road

No.960 is a two storey detached dwelling with a principal elevation overlooking the site. The proposed dwelling would be sited to the North East side of the site, therefore set ~20.8 metres away from this neighbouring dwelling, and it would also be set at a slight angle to it. Given this, and the single storey height of the dwelling proposed, it is considered that it would not cause undue harm to No.960 in terms of loss of light, loss of outlook, loss of privacy or overlooking, or the creation of an overbearing effect.

No.962 New Hey Road

No.962 is a two storey end of terraced dwelling, with its side elevation facing towards the site. No.962 has windows within this side elevation and the principal elevation of the proposed dwelling would face towards the side elevation of No.962. However, given that the proposed dwelling is to be set away from No.962 by ~21 metres and is only single storey in height, it is considered that it would not cause undue harm to No.962 in terms of loss of light, loss of outlook, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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 floor area of the dwelling would exceed the minimum figure recommended within the Nationally Described Space Standards for a 1 storey, 1 or 2 bedroomed dwelling. In addition, the amount of external amenity space for the proposed dwelling of this size is considered to be adequate. Whilst it would be preferable for some of the amenity space to appear more private, it is noted that the property next door at No.962 appears to have its amenity space to the front of the dwelling. In addition to this, the proposal would not appear to result in the complete loss of garden available to No.962 given the garden to the front of this property.

In addition to the above, the site is within close proximity to the M62 Motorway and adjacent to the busy New Hey Road, therefore there is the potential for this to negatively impact upon the living environment of future residents. Given this, the Council's Environmental Protection Officer has requested measures to be taken to protect the development from noise should permission be granted. This could be conditioned should permission be granted, in accordance with Policy LP52 of the Kirklees Local Plan and Chapter 15 of the NPPF.

The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework in respect of residential amenity, as well as Principles 6, 16 and 17 of the Kirklees Housebuilders Design Guide SPD.

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.”* This is echoed in Policy LP21 of the Kirklees Local Plan.

Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.

Principle 19 of the Housebuilders Design Guide SPD states that: *“Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.”*

Access is proposed to be taken off New Hey Road, close to the shared boundary with No.956 New Hey Road. There is a traffic island on New Hey Road nearby to the site. At the pre-application advice stage, KC Highways Development Management stated they had reservations that vehicles would

not be able to turn in and out of the highway in a safe manner and noted that a swept path for a large car should be provided along with a scaled drawing of New Hey Road with dimensions, as well as the location of the feeder pillar to negate the need for relocation.

Despite what was noted at the pre-application stage, details of swept paths had not been provided alongside the application. Officers therefore notified the applicant's agent and a swept paths plan was later provided. KC Highways Development Management have assessed the additional plan and are satisfied with the proposed arrangement from a highway safety point of view.

On-site parking is proposed to the South East of the dwelling and it appears that this is sufficient for two parking spaces which is considered adequate for a dwelling of this scale with reference to the Highways Design Guide SPD. The internal turning arrangement is also considered sufficient so as to allow vehicles to turn and leave the site on New Hey Road in a forward gear. Should permission be granted a condition could be attached that this should be provided prior to the first occupation of the dwelling, and this could secure adequate parking and drainage arrangements. Such a condition has also been requested by KC Highways Development management.

Provision for bin storage is made to the South East of the dwelling, but this would be set back from the highway so as not to appear overly prominent. Bins can be dragged to the site frontage for collection from the storage location. This arrangement is considered acceptable.

With the above in mind, on balance given the reduced visibility splays, the proposal is considered to be acceptable on highways safety grounds. The proposal is therefore considered to be in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Kirklees Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Trees:

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. KC Trees have been consulted on the application and note that there are no notable trees within the site and adjacent trees are separated by an access track. KC Trees and Officers therefore consider that the proposal would not have any impact upon trees of significance.

Ecology:

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot

be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

In addition to this, Principle 9 of the Kirklees Housebuilders Design Guide SPD sets out that:

“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development. At the outset of the design process the wildlife habitat network and Habitats of Principal Importance should be considered in addition to protected species and the maintenance and management arrangements for any wildlife spaces need to be clearly set out.”

No ecological information has been submitted as part of the outline application. The Council's Ecologist has stated that the development proposal is likely to include the loss of an area of semi-natural habitat. As detailed within the planning statement, the Council's Ecologist notes that the site should be subject to an ecological assessment, to determine the ecological baseline of the site and any impacts that are to be brought about by the proposed development. The site is located within the bat layer the development proposals should consider the impacts to roosting and foraging bat species.

Given this, the Council's Ecologist has noted that as part of the reserved matters application, the applicant should engage with a suitably qualified ecologist to undertake a Preliminary Ecological Appraisal (PEA) in accordance with national guidelines. The Council's Ecologist has stated that the results of the PEA, and any additional surveys, should be used to inform an ecological report to support the planning application. In addition, the Council's Ecologist has stated the development should demonstrate how a biodiversity net gain is to be achieved post-development. It is therefore considered that matters in relation biodiversity could be appropriately dealt with at a later stage.

Climate Change:

Principle 18 of the Housebuilders Design Guide SPD sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into developments.

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.

It is considered that one electric vehicle charging point for the dwelling should be provided to aid in the contribution to climate change. A charging point has been displayed on the site layout plan and this can be conditioned should permission be granted. In addition to this, should permission be granted it is considered that a statement on how climate change, its causes and impacts, have been considered could be conditioned.

Drainage:

It is noted within the application that surface water is proposed to be disposed to soakaway. The site is identified as being at low risk from flooding, in an area of very low risk of surface water flooding and it is considered a compliance condition in relation to surface water drainage from hard surfaces is sufficient in this instance. This matter is also covered by building regulations.

Construction:

KC Environmental Health have requested a condition in relation to construction site working times. Construction practices are covered by other regulations, and construction practices are not a material consideration in the assessment of this application. Given this and the overall nature of the development proposed, an informative in relation to good practice could be attached should permission be granted.

6 – Representations:

7 representations have been received following the initial consultation. A number of comments raised in these representations have been addressed in the above assessment. Any other comments will be addressed below:

Third Party Comment: Concerned the applicant is trying to obtain planning permission so that they can generate more money for the field under the disguise of building a very small dwelling suitable maybe as a bedsit that will not be in keeping with the area and will affect the visual amenities of the area and amenities of the listed building (which also includes the outhouses).

Officer Response: The motives of the applicant are not a material planning consideration in this case. Officers are assessing the application in which they have in front of them. The impact upon the visual amenities and listed building are discussed in more detail in the assessment section of the report above.

Third Party Comment: Proposed to increase the price of the field in which the applicant intends to sell for a bigger profit. This proposal is not for a unit of accommodation for an elderly family member to remain in the village. There are plenty of properties in Outline to purchase and rent already.

Officer Response: Officers can only assess the application in front of them, but developing for profit is not a material planning consideration nonetheless.

Third Party Comments: Sustainable and accessible home for a local resident. Will allow a long-standing resident to remain in the village surrounded by friends and family. As the site is not within the Green Belt, it makes sense to infill this space with a much needed sustainable and accessible property (which is generally lacking in Outlane). Will create a perfect property for the applicant to downsize into.

Officer Response: It is noted that the site is not in the Green Belt and within Outlane, but as outlined in the above assessment, there are significant concerns with the proposed development on this site. Whilst the above comments in support are noted, a number of these are outlining support for the private desires of the applicant, rather than a public benefit.

Third Party Comment: Would like guarantees that this would be the only property being erected in respect of the existing listed building, to support green conservation, keeping the surrounding landscape and trees. If development is allowed, a condition should be attached stating that no further residential development is allowed on the remaining land in the future.

Officer response: As outlined in the above assessment Officers have concerns with the principle of one dwelling on the site. Nonetheless, each case is assessed on its own merits. Should permission be granted, permitted development rights could potentially be removed as a condition.

Third Party Comment: The removal of the drystone wall which separates the site and No.952 would potentially disturb the ground making it quite unsafe.

Officer Response: The land is not known to suffer from land instability and Paragraph 184 of the NPPF states that responsibility for securing a safe development rests with the developer in relation to land stability. In addition, there are Building Regulations which govern the construction of new buildings which any developer would need to comply with in developing this site.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development does not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2022/91328

Officer Recommendation: Refuse

Reason(s):

1. The proposed development, by virtue of its siting on a green open site without built development which makes a positive contribution to the character and appearance of the area and the significance of the Grade II listed building of No's. 1-3 Daisy Lea, its contrived layout, its single storey scale/height and its narrow depth, would fail to sympathetically integrate with existing development within the locality and would appear as an alien feature within the streetscene. The proposal would therefore cause detrimental harm to the character and appearance of the area and would cause less than substantial harm to the Grade II listed building of No's. 1-3 Daisy Lea and its setting. The loss of a section of curtilage listed drystone wall to the South of the site would add to the less than substantial harm to the significance of this Grade II listed building. The public benefits of the scheme do not outweigh the harm to this Designated Heritage Asset. The proposal is therefore contrary to Policies LP24(a) and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, Principles 2, 5 and 15 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	19 th April 2022
Planning Statement/Heritage Impact Statement by Assent Planning Consultancy Ltd (including Appendices 1-4) dated March 2022	-	-	19 th April 2022
Location Plan and Site Plan	001	-	26 th April 2022
Site Plan and Renders	127 - (SK) 100	-	26 th April 2022
Location Plan, Site Layout Plan, Elevations, Floor Plan and Roof Plan	002	A	26 th April 2022
E-mail from the applicant's agent	-	-	14 th October 2022

Plan Type	Reference	Version	Date Received
received on 14 th October 2022			
Proposed Swept Paths Plan	003		6 th December 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.

Officers raised concerns with residential development on the site at the pre-application advice stage. Whilst the dwelling's siting, scale and massing, as well as design proposed under this planning application differs to that under the pre-application request, this does not address in principle concerns held by Officers at the pre-application stage. Hence, the application has been recommended for refusal with no amendments sought.

Report Dated: 17/01/2023