

**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:	2022/60/92783/E
Site Address:	60, Carr Hill Road, Upper Cumberworth, Huddersfield, HD8 8XN
Description:	Outline application for demolition of existing dwelling and erection of two dwellings with detached garages
Recommending Officer:	Callum Harrison

DECISION - REFUSED

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.

Emma Thompson

AUTHORISED OFFICER

Date: 27-Jan-2023

Officer Report

2022/92783 - 60, Carr Hill Road, Upper Cumberworth, Huddersfield, HD8 8XN

Site Description

The application site consists of one dwelling, addressed as 60, Carr Hill Road and its associated curtilage. The curtilage contains a narrow access from Carr Hill Road which runs between neighbouring dwellings, a parking area, and two lawns. The site is bound by dwellings to the south, east and west. The A635 (Barnsley Road) bounds the site to the north. The wider area is predominantly residential. Dwellings on the north side of Carr Hill Road within the vicinity of the site are almost entirely detached properties set in a good sized curtilage.

Proposal

The application is seeking an outline permission for demolition of existing dwelling and erection of two dwellings with detached garages, with all matters reserved. The indicative site plan submitted shows two dwellings set parallel within the plot, with garages to the front (south). There is no indication of the potential number of storeys of each dwelling however the application indicates each dwelling would have four bedrooms. The indicative site plan shows the main garden areas to the north and the two dwellings to share the existing access.

History of Negotiations

As this application is for outline permission with all matters reserved, the principle is for

Relevant Planning History

96/90511 – Erection of Double Garage Extension – Approved.

Representations

The application was advertised by neighbour notification letters. 11 representations were received, all of which are objections. These have been summarised as follows:

- The proposal would have an impact on sunlight, privacy, overbearingness and line of sight for adjacent properties.
- The closeness to neighbouring boundaries will have a major impact on both demolition of existing property and construction/maintenance of proposed new buildings.
- Increased traffic would detriment highway safety.

- Provision of two dwellings in the plot would mean vehicle wouldn't be able to enter and exit in a forward gear.
- The proposed dwellings are also out of keeping with the local area
- The plans to pass would lead to over-development of the site

Consultation Responses

Below is a summary of the consultation responses received:

KC Highways – no objections to matters covered in this outline application.

KC Environmental Health – no objections.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 11 – Housing mix and affordable housing
- LP 21 – Highway safety and access
- LP 22 – Parking
- LP 28 – Drainage
- LP 53 – Contaminated and unstable land

Supplementary Planning Documents (SPD):

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

In this case the follow SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note
- Highways Design Guide

- Housebuilders Design Guide SPD

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 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 15 – Protecting and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Visual amenity
- 3) Residential amenity
- 4) Highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1. Principle of Development for Two Dwellings

NPPF paragraph 12 and Policy LP1 of the 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 this proposal. The site is without notation on the KLP Policies Map. Policy LP2 states that: 'All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement'. In this case, the application site relates unallocated land within a predominantly residential area.

The development would see one existing dwelling demolished and replaced with two new dwellings. As such, it is appropriate to consider the Local Planning Authority's overall housing position.

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.

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Policy generally seeks to support residential development upon unallocated sites. However, LP7 establishes a desired target density of 35 dwellings per hectare, however this density target is for the purpose of new development sites rather than back land or development within an existing residential unit.

Paragraph 68 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes". Therefore, the sheer principal of dwellings on this site can be supported, as evidenced by the existence of a dwelling on the site anyhow. At the broadest sense of the term, the principal of development is considered acceptable, however it must now be considered as to whether two dwellings can be erected on the site and still meet relevant design policy.

It must be considered as to whether two dwellings can be provided in the plot and still meet the relevant policies and guidance. The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) provides a principal consideration concerning design which states: "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24

states that proposals should promote good design by ensuring: “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The Housebuilders Design Guide SPD helps apply these policies through its principles. Principle 2 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.’

The application site comprises of a good sized plot surrounded by residential dwellings to the west, south and east. A Classified A road bounds the site to the north. On this thread of development on the north side of Carr Hill Road between Carr Mount and the triangle where Carr Hill Road forks three ways, there is a clear character to the properties. All of the properties are of a similar size with regard to footprint and set within similar sized plots. The clear character is also prevalent along the southern side of Carr Hill Road. There are also two parallel build lines formed when the dwellings fronting on to Carr Hill Road were built in the 1990s. To erect two dwelling within the existing plot would create two plots substantially smaller than any of the neighbouring plots. To build two dwellings within the existing build line which is required by Principle 5 of the Housebuilders Design Guide, the plot would have to be split from ‘vertically’ from north to south as shown on the indicative site plan. If the plot were to be split to provide two dwelling, the form and layout of the site would no longer complement the surrounding built form and would not fit in with the coherent identity of the form of the immediate vicinity and result in an inappropriate spatial relationship with other dwellings. The splitting of this plot for two dwellings would without doubt detriment the amenity of the area visually and would negatively impact upon the sense of place and character of the street.

Thus, officers consider the subdivision of the plot would result in development that does not respect the current form and character of the immediate area. The principal of providing two dwellings on this plot does not take cues from the character of the built environment within the locality. The development also would not create a positive and coherent identity nor complementing the surrounding built form in terms of its form.

The positioning of the garages and increase in built form further exacerbates concerns regarding the poor layout and form. Whilst indicative at this stage the poor relationship formed with the host building is not something that could be supported.

As such, the proposed development would result in an inappropriate spatial relationship with the townscape and is considered contrary to Principle 5 of

the Housebuilders Design Guide. With relation to Local Plan Policy LP24 and Chapter 12 of the NPPF directly, for the aforementioned reasons, the development would also fail to enhance the character of the townscape, contrary to these policies.

2. Impact on Visual Amenity

Whilst details regarding design, scale and appearance are reserved for the reserved matters stage, comments can be made on the nature of the site and how the proposal for two detached dwelling would relate to the existing development surrounding the site. When viewed in isolation, notwithstanding the form being out of character with the area, it is considered that the site is of a sufficient size to accommodate two dwellings without resulting in an overdevelopment of the site.

Consideration should however be given to the scale of the dwelling to allow to the provision of a sufficient level of parking and outdoor amenity space. The surrounding area is characterised predominantly by single storey dwellings faced predominantly in stone. This would have to be appropriately reflected in the proposed design of the dwellings. Notwithstanding the issues with the principal of increasing the amount of development within the site, when focusing on the design of the dwellings in isolation and not considering the principal of development issues, it is considered that a satisfactory design could be achieved at the reserved matters stage.

3. Impact on Residential Amenity

The layout and design of the dwellings is to be agreed at a reserve matters stage, however officers have considered as to whether two dwellings could be provided with regard to their impacts on residential amenity. Given the size and level nature of the site, it is considered that two dwelling could be laid out sufficiently to meet the separation distances set out within the Housebuilders Design Guide SPD.

The position of the site, surrounded by residential properties or gardens to each elevation should be carefully considered when determining the scale, height and design of the dwelling. It is considered that only single storey dwellings would, in this location, be acceptable given the neighbouring dwellings. A two-storey dwelling would have a harmful overbearing and overshadowing impact which would be detrimental to the amenity of the neighbouring properties, as well as visual amenity concerns.

Should this application be supported careful consideration would need to be given at reserved matters stage to the positioning of windows to ensure that there would be no detrimental overlooking to the neighbouring properties and their areas of private amenity space in accordance with Policy LP24 of the KLP and Chapter 12 of the NPPF.

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.’

With regard to highway safety, the access would remain as existing. Whilst guidance recommends that the access should be widened to a minimum of 4.5m for the first 5m of the access road to allow for two vehicles to pass each other this is clearly not achievable. In this instance there are mitigating factors. This application is for only one additional dwelling on the site and access is from an unclassified estate road, as such the minimal increase in the number of vehicles that would be expected to use the access cannot be considered detrimental to highway safety as such, not meeting the threshold to refuse an application on highways safety grounds as set out by Paragraph 111 of the NPPF.

With regard to internal layout, including parking revision, these are matters that would be assessed at the reserve matters stage. Officers note KC Highways Development Management’s concerns with the indicative layout and insufficient information, however as this application is for outline permission with all matters reserved, internal layout cannot yet be assessed. KC Highways Development Management have no objections to the matters that can be assessed at this stage. As such considering all matters are reserved, the scheme is considered acceptable with regard to highway safety at this stage. At the reserved matters stage, the following information would be required:

- A swept path analysis to show that a Kirklees fire service vehicle can both access and turn within the site, in the case of an emergency, needs to be provided.
- A layout plan showing the location of the proposed parking spaces and swept path analysis to show that the vehicles can turn to leave the site in forward gear needs to be provided.
- Details of waste storage and collection for both dwellings should be provided, with the location of a waste collection presentation point being clearly marked on a drawing.

5. Other Matters

Contaminated Land

The site of the proposed development is adjacent to land that has been identified on the Council’s GIS system as potentially contaminated due to its previous use as a quarry, which appears has been infilled (our map ref 35/23). Contaminated land conditions are therefore necessary if the application were to be approved, in order to accord with Local Plan Policy LP53 and Chapter 15 of the NPPF.

Carbon Budget

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. A condition requiring the provision charging points is therefore necessary if the application were to be approved.

Ecology

Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and the Biodiversity Guidance Note states that biodiversity net gain is required for all development. To create this net gain, it is considered appropriate to include a condition regarding the provide of a bird or swift box secured to the external walls of the dwelling should the application be recommended for approval.

6. Representations

The application was advertised by neighbour notification letters.¹¹ representations were received, all of which are objections. These have been summarised as follows:

- The proposal would have an impact on sunlight, privacy, overbearingness and line of sight for adjacent properties.
- The closeness to neighbouring boundaries will have a major impact on both demolition of existing property and construction/maintenance of proposed new buildings.
- Increased traffic would detriment highway safety.
- Provision of two dwellings in the plot would mean vehicle wouldn't be able to enter and exit in a forward gear.
- The proposed dwellings are also out of keeping with the local area
- The plans to pass would lead to over-development of the site

Officer Response: All of the representations have been read in full. All of the material planning considerations have been summarised above and considered where relevant within the report. It should be noted that as this is an outline application with all matters reserved, matters of design and layout which most of these are related to, would be assessed at the reserved matters application stage.

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 proposals do not accord with the development plan and the adverse impact of granting permission on the character and appearance of the area would significantly and demonstrably outweigh any benefits of the development, when assessed against policies in the NPPF taken as a whole. Hence, this development is recommended for refusal.

Recommendation: **Refuse**

Reason(s) for Refusal:-

1. The proposed development, in subdividing the existing plot to two smaller plots with ancillary garage and curtilage, results in a built form out of keeping with spacious plots within the street, resulting in an inappropriate spatial relationship within the wider area which would detract from the prevailing development pattern and established character. To permit the development in its current form would be contrary to Policy LP24 of the Kirklees Local Plan, Principle 5 of the Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Recieved
Location Plan as Existing	LP01	1	18/08/2022
Location Plan as Proposed *Indicative Only*	LP02	1	18/08/2022
Site Plan as Existing	SP01	1	18/08/2022
Site Plan as Proposed *Indicative Only*	SP02	1	18/08/2022

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments to the scheme have not been sought. The concerns raised relate to the principle of development, and it was therefore considered that no level of amendments could be made to overcome these.