

**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:	<b>2023/60/90260/W</b>
Site Address:	Land off, Intake, Golcar, Huddersfield, HD7 4RB
Description:	Outline application for erection of residential development with parking
Recommending Officer:	Tom Hunt

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 24-Mar-2023**

## **Officer Report**

### **Site Description**

2023/90260 – Land off, Intake, Golcar, Huddersfield, HD7 4RB

The application relates to a narrow, rectangular plot of land set parallel to Intake which is an adopted road in Golcar. It is positioned between Thorpe Green Bowling and Social Club's Bowling Green/car park and Intake. To its south boundary is a Public Right of Way footpath COL/50/20. The plot is sloped falling from west to east with a thick green boundary hedging to its west and a low stone boundary wall to its north. There is a small single-storey building with pitch roof with wall and roof in corrugated metal material which is positioned to the north near the car park access point.

To its north, is a large detached property with its rear conservatory and beyond a mix of terraced and semi-detached residential properties. To its east and south, are large semi-detached properties. To the west, beyond the bowling green are large detached properties. The material palette is predominately stone, some use of buff brick with side gable or hipped roofs. Existing residential properties are two-storey in height.

### **Description of Proposal**

The application seeks outline planning permission for the erection of residential development with parking and all matters except access reserved for subsequent approval

A Location Plan and proposed Block Plan with access details and an indicative layout have been provided with a Planning Statement.

The indicative details of a single dwelling on the site proposes a pitch roofed, 2.5 storey, detached, 3bed property in traditional stone and slate materials, set closely to the northwest of the site. It would have a small amenity space to its north, small amenity space to its east and an amenity space to the south of the property.

The submitted details of access would involve the creation of a dropped crossing from Intake with the provision of two parking spaces with an electric vehicle charging point. Although details are not shown, the creation of the parking spaces would also require the regrading of land.

### **History of negotiations/amendments received**

The principle of residential development on this narrow strip of land is considered unacceptable and therefore no amendments have been sought to the submission made.

### **Relevant Planning History**

No relevant applications on site.

## **Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 10/03/2023

Site Notice Expired: 09/03/2023

Press Notice expired: 10/03/2023

This was in light of the potential for the development to affect the setting of a public right of way.

Three representations have been received, all objecting; a summary of the comments received is set out below:

- Visual amenity – it would not appear in keeping/appropriate within the tiny narrow plot of land to other surrounding development. It would be overly tall and narrow. It would be forward of the building line of 215 Leymoor Road and 2 Green Crescent
- Overlooking impact on neighbour
- Impact on wildlife through clearance of site for development

**Officer note:** those will be addressed within the following sections: Visual amenity, Residential amenity and Biodiversity.

## **Consultation Responses**

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

- Highways Development Management – 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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

### **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 11 – Housing Mix and Affordable Housing**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**

- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 51 – Protection and improvement of local air quality**
- **LP 52 – Protection and improvement of environmental quality**

### **Supplementary Planning Guidance**

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

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding 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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology
- 6) Representations
- 7) Conclusion

#### 1 – Principle of development:

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

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of

sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

*“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

A pre application service was made available and Kirklees Council 'Housebuilders Design Guide SPD' provides detailed guidance for proposals of this nature.

The site is within the Kirklees Rural sub-area in LP2 of the Kirklees Local Plan and further identified as Kirklees Rural West in the Strategic Housing Market Assessment 2016.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

#### *Housing supply*

Turning to housing supply, the application is indicatively indicated to provide 1 residential property and therefore it is appropriate to consider the LPAs 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.

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”*.

The application site comprises of a narrow plot of land, and although the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot could contribute to the housing supply in the district. One such consideration following this is the density of the development. Policy generally seeks to support residential development upon unallocated sites. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. However, Policy LP7 states this target should be ‘where appropriate’ and in the policy justification set out in para 6.40 that the policy allows for lower ‘densities where a site would not be compatible with its surroundings’. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. In this case the site is approx. 374m<sup>2</sup> or 0.037ha which provides a housing density of 27 dwellings per hectare. The principle of residential development on this unallocated site could potentially be acceptable, but this is subject to the impacts upon visual amenity, residential amenity, highways safety and other material considerations, an assessment of which is undertaken below.

## 2 –Impact on 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. Being clear about design expectations, and how these will be tested, is essential for achieving this.”*

Engagement with applicants is provided through the pre-application service to aid good design providing advice at an early stage, and with relevance to this proposal, the 'Housebuilders Design Guide SPD' and 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 and character.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

*“the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape”*

With regard to the Housebuilders Design Guide SPD, the following principles need to be considered, but some of these could only be fully assessed at reserved matters stage:

- Principle 2 – residential developments will respect and enhance local character, taking cues from the built and natural environment, creating a positive coherent identity and utilising landscape opportunities.
- Principle 5 - Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, enable important views to be maintained to provide a sense of place and protect amenity.
- Principle 7 – integrate green infrastructure and accessible open space
- Principle 8 – Ensure that new developments transition from urban to open land appropriately.
- Principle 9 – ensure that biodiversity net gain is achieved.
- Principle 10 – site layouts ensure effective connections to existing walking and cycling links.
- Principle 12 – ensure that appropriate parking is provided for the development that is well designed.
- Principle 13 – use appropriate materials of construction.
- Principle 15 – ensure that rooflines relate well to a site’s context.
- Principle 17 – ensure that new dwellings have access to private outdoor space that is functional and proportionate to the size of dwelling and the character of the local area.
- Principle 18 – proposal should consider how they will contribute to the Councils ambition to have net zero carbon emissions by 2038.
- Principle 19 – details of waste storage and recycling must be incorporated into the design of schemes.

The application site is considered very narrow for a dwelling at approximately 8.3m width and appears in isolation to other residential development locally separated by the bowling green, its car park access road and the public footpath. Further to this it is on rising land above the level of Intake. Given the restricted size of the site it is considered reasonable to assume that the indicative layout is the most likely arrangement to achieve a dwelling. The proposed access arrangements would be the only way to form parking within the site without affecting a public right of way or requiring tandem parking.

The indicative layout shows the dwelling having a footprint of ~41.5 square metres, it would have its primary elevation set back 1.5m from the pavement, north elevation set back 5.4m from the car park access road and set on the west boundary with a narrow garden area to the south. Whilst layout has not been applied for, the indicative details are considered to represent the only realistic layout of a dwelling on the site. This serves to highlight that future development here would appear overly prominent, cramped, with limited space around the dwelling. It is considered that it would appear as a detached

and standalone feature that would not sympathetically integrate with existing development in the locality.

Viewing the indicative layout with its long narrow side garden parallel to the highway and its building line forward of neighbouring properties, this would appear to be an incongruous and exposed property with its garden and boundary treatment prominent in the streetscene and failing to integrate carefully within its locality conflicting with Principle 2 and 5 of the SPD. In addition, the indicative landscape details suggest would remove a prominent and long standing laurel hedge to the bowling green which provides some screening of the bowling green activities and would erode the sense of place and local character with an overly harsh and domestic garden boundary treatment. This is in addition to more recent site clearance which has removed mature vegetation from the site. This would also run counter to the National Design Guide which at para 129. sets out that "*well-designed buildings are carefully integrated with their surrounding external space...External spaces are designed to respond to local character*". The scheme is therefore considered to result in a development that would be out of character with the area failing to integrate sensitively and appears cramped to the detriment of visual amenity.

The Planning Statement has suggested that the 2.5 storey dwelling is to appear at a similar height to the existing adjacent 2-storey semi-detached or detached dwellings and to be constructed from matching materials, the proposal would appear as an unsympathetic, isolated form of residential development of a scale dissimilar to the surrounding adjacent development of considerably larger width and depth within larger property plots. While matching materials and some similarity to the height of the adjacent development would be welcomed, it is considered this would not overcome officers' concerns on the cramped layout and the proposal's lack of integration within its locality. Furthermore, it is unlikely that a dwelling could be reduced or increased in scale and size as its narrow, restricted and visually isolated plot is a significant constraint for future development to appropriately reflect adjacent neighbouring properties and therefore may raise concerns in respect to the visual amenity of the streetscene and in respect to overdevelopment of the site.

Notwithstanding the fact there is likely some level of amendment which could be undertaken to address some of the identified issues, it is considered that the overall visual appearance of a detached dwelling in an isolated, narrow strip of land, in relation to the wider street scene would be unsympathetic and out of character with its locality. It is considered there are no amendments which could be undertaken to address this matter which is considered to be a fundamental issue in relation to the development of the site for one detached dwelling. It is considered that for these identified reasons the proposal would have an unacceptable visual impact and appear as a contrived and cramped addition within the street having a harmful visual impact contrary to Policy LP24a) of the Kirklees Local Plan, Principle 2 and 5 of the SPD and Chapter 12 of the National Planning Policy Framework. Refusal for this reason is therefore recommended.

### 3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

*“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The application is at outline stage with details of access submitted for approval. Therefore, the impact of the proposed development may have on the amenities of the occupants of neighbouring properties cannot be fully assessed at this stage. However, an indicative layout has been provided and this layout is considered to provide a good indication as to how the site may be developed.

#### *215 Leymoor Road (northwest of the site)*

The proposed development would be to the south of this property and would have its north elevation ~13.85m distance to No. 215’s rear conservatory which is on an elevated ground level. At outline stage, no fenestration has been demonstrated however there is harmful potential impact on overlooking/ loss of privacy should there be fenestration serving a habitable room looking out breaching minimum recommended separation distances under Principle 6 of the SPD. This could be resolved at the design stage adequately whilst bearing in mind guidance in Principle 5 to have active frontages at corner plots. Given the separation distance for a 2.5 storey building, assuming that the half storey is to the south roof elevation, Officers would raise no concerns regarding overshadowing and overbearing. If the half storey was to the north roof elevation achieved via a dormer extension, close to the boundary and the car park access road, this would need to be carefully considered and would be likely to be overbearing.

#### *Glen Dene (east of the site)*

The proposed is positioned to be directly opposite Glen Dene to its west and is likely to have an active frontage facing the highway and the property; given the separation distance of ~26.5m over the highway, Officers are satisfied that the development could easily achieve compliance with Principle 6 of the SPD and to avoid overlooking, overshadowing and overbearing impacts to Glen Dene.

#### *Other Residential Properties*

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

### *Future Occupiers*

With reference to Principle 16 of the Housebuilders Design Guide SPD, the amount of internal space for the residential unit could achieve sufficient internal space so as to provide a good standard of amenity. This would be assessed at reserved matters stage.

Turning to Principle 17 of the SPD, despite the welcome orientation of the amenity space to the south maximising its direct sunlight, the narrowness of the private outdoor space could suffer overlooking from the higher ground of the bowling green or from Intake unless significant screening was installed, which in turn could further exacerbate the incongruous form of development in the area. This would need to be further assessed at reserved matters stage to consider whether adequate amenity space could be provided in accordance with Principle 17 of the adopted 'Housebuilders Design Guide SPD' and paragraph 129 of the National Design Guide.

Full details of a development on the site may be able to accord with Policy LP24 of the Local Plan and Principles 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

#### 4 – Impact on highway safety:

Paragraph 109 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. Policies LP21 and LP22 of the Local Plan and Principle 12 of the Housebuilders SPD and other principles of the Highway Design Guide have been assessed in consideration of the proposed access arrangements applied for as part of this application. Highway Development Management were informally consulted on the proposed development.

The proposed access arrangements would provide two off-street car parking spaces; it is noted that these are too narrow in width to accord with advice to achieve a minimum of 2.4m width to each bay, this could be rectified to provide sufficient width. The indicative boundary treatment could be limited to 1m height even with chamfered corner to achieve an adequate visibility splay to these spaces in the interests of highway and pedestrian safety. The indicative tree close to the parking bay could be moved elsewhere to ensure adequate visibility. The placement of the parking bays with EV point remote from the indicative siting of the dwelling would be potentially inconvenient to future occupiers unloading shopping and heavy goods and may encourage on street parking; it would be preferable to have the off street parking to be closer to the property off the south elevation with reduced wiring lengths to achieve a better parking arrangement. The proposal would, however, adequately supply sufficient parking for a three bed property under the Highways Design Guide SPD.

There also appears to be acceptable room to the rear/within the site to provide bin storage with a path for a presentation point.

Therefore, the proposed access arrangements, subject to a condition to increase the widths of the bays would be suitable to serve a dwelling of up to three bedrooms.

Further conditions regarding hardstanding, access, layout and gradient could be attached to the decision notice in the case of an approval. With all this the development would accord with Policies LP21 and LP22 of the Local Plan and Policies within the aforementioned SPDs.

## 5 – Other matters:

### *Climate Change*

The Council has declared a climate emergency and the Local Plan seeks for new development to contribute to the climate change agenda. In addition, 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. Therefore, if the principle of development was accepted on the site, it would be conditioned that a future application for reserved matters approval is accompanied by a Climate Change Statement on how climate change, its causes and impacts, have been considered within the proposal. This is in addition to the facilities for charging electric vehicles and other ultra-low emission vehicles are provided within the site.

### *Air Quality*

In accordance with government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it would be considered reasonable and necessary to seek air quality enhancement as part of forthcoming applications. The proposal seeks to have a EVCP installed to serve its two vehicles and therefore, if the principle of development was considered to be acceptable, a condition could be imposed requiring the provision of a suitable electric vehicle charging point within the site to contribute towards the aims of LP24 and LP51 of the Kirklees Local Plan and Principle 18 of the SPD.

### *Drainage*

The site is within a low probability Flood Risk Zone and therefore if Officers are so minded to support the application, a condition would be placed to ensure that the additional parking spaces would be drained sufficiently and/or made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.

### *Biodiversity*

In respect of 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 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, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity.

If the principle of development was excepted, then a reserved matters submission would be expected to demonstrate net gains. This would need be in accordance with Kirklees Biodiversity Net Gain Technical Advice Note. As the site has recently been cleared of mature vegetation and this appears to have been to make way for residential development, the starting point for assessing the ecological value of the site was as it previously appeared.

#### *Public Right of Way*

The indicative layout indicates that there would be a section of landscaping adjacent to the PROW not given over to the rear amenity space, whilst this is not the final design, it is noted that this would provide some welcome visual separation to the PROW and reduce the development's potential to visually affect the PROW. It is unclear how such land would be controlled or managed in the future. Should Officers be minded to support, conditions could be recommended in order to ensure that the PROW would not be obstructed or interfered with for continued public use.

#### 6 – Representations:

Three representations had been received and considered within the report.

#### 7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. The proposed development of this site would be highly visible from the public domain, and it is considered that it would appear as a cramped and contrived form of standalone development on what is a narrow plot, which would fail to sympathetically integrate with existing development in the locality. It is therefore considered that it would be an incongruous addition within the streetscene, thereby causing detrimental harm to the visual amenities and character of the area. The proposal is therefore considered contrary to Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, as well as Principles 2 and 5 of the Housebuilders Design Guide SPD.

**Recommendation**

**Refuse**

## Decision Authorisation - Delegated

**Application Number:** 2023/90260

**Officer Recommendation:** Refuse

### Reasons

1. The development of this site would, due to the prominent location and constrained width of the plot, result in a cramped and contrived form of standalone development. Furthermore, it could not form a coherent building line with surrounding development to provide a sense of place. The development of this site would therefore fail to sympathetically integrate with existing development in the locality, be an incongruous addition within the streetscene, and cause detrimental harm to the visual amenities and character of the area. The proposal would fail to reinforce or enhance local distinctiveness contrary to Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 5 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2319-D-20-020	Unamended	26/01/2023
Existing Site Plan	2319-D-20-021	Unamended	26/01/2023
Proposed Site Plan	2319-D-20-022	Amended	01/02/2023
Design and Access Statement	-	Original	26/01/2023

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 application in principle is considered unacceptable and therefore no amendments have been sought.

**Report Dated:** 22/03/2023