

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:	2023/62/90893/W
Site Address:	Land Adj, 325/327, Dunford Road, Hade Edge, Holmfirth, HD9 2RT
Description:	Demolition of outbuildings and erection of detached dwelling
Recommending Officer:	Lucy Taylor

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: 6th June 2023

Officer Report.

Reference: 2023/90893

Location: Land Adj, 325/327, Dunford Road, Hade Edge, Holmfirth, HD9 2RT

Proposal: Demolition of outbuildings and erection of detached dwelling

Site Description.

325/327 Dunford Road is a two-storey semi-detached dwelling located within a semi-rural area. The property is constructed from natural stone with a cement wash finish and has a stone slate roof with uPVC openings.

The application refers to the outbuildings located to the south of property No. 325/327 Dunford Road. Two detached stone outbuildings and a detached garage currently sit on the site where development is proposed.

Beyond the curtilage of the site to the south and east are open fields, to the north and west are residential properties.

The majority of the application site is located upon land designated as 'Safeguarded Land' in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the demolition of outbuildings and erection detached dwelling on land adjacent to 325/327 Dunford Road.

The proposed dwelling would be 7.4 metres in overall height, 6.7 metres in width and 5.6 metres in length. The front elevation of the dwelling would be roadside facing (west).

The dwelling will be constructed from natural coursed stone and would have a gable roof infilled with natural stone slate tiles.

Fenestration detailing would include openings to the southern, eastern and western elevations. These openings would be constructed using upvc/timber/powder coated aluminium.

Outdoor amenity space would be provided to the east of the dwelling and southern side. Parking amenity space would be located to the front (west) of the dwelling, as would bin storage.

The existing dry-stone wall would be retained around the eastern and southern of the site, with new 1.8-metre-high timber fencing to be installed along new boundaries.

An air source heat pump is proposed to the northern elevation of the new dwelling and solar panels are proposed to the south facing roof slope.

History of Negotiations/Amendments Received.

The case officer has informed the agent via email about the issues and concerns regarding this planning application and provided notification of the likelihood for the Local Authority to recommend refusal on the grounds of these issues and concerns.

No amendments were submitted for this application following such correspondence, with the case officer highlighting that the issues and concerns present could unlikely be overcome.

The Agent's response is as follows:

Just to clarify the redline application site does include PART of the safeguarded land BUT not all of it. The area of safeguarded land already has an extant approval for the erection of a large detached garage. The whole of the red lined area is in C3 (dwelling houses) planning use class.

Given the established domestic use class I trust you agree no change of use is proposed (it's already residential).

*In relation to highways, as noted within the submitted statement the host property has no off street parking provision, the existing dilapidated garage is not large enough to accommodate a modern domestic vehicle and does not comply with KMC highway planning standards. As a result the proposal **does not** 'result in the loss of parking for an existing dwelling'. Furthermore, as previously advised KMC planning highways have confirmed the proposals are acceptable in relation to both the existing dwelling and the proposed dwelling.*

With regards to design your email suggests it's the roof orientation that causes concern. I agree it is different to that of the immediately adjacent properties (DIT Consultancy, 323 & 325/327 Dunford Road). The reason of this orientation/design was simply to make the most of the south facing roof slope (Solar array) in relation to reducing the carbon footprint/consumption of the property and to reduce running costs.

Furthermore there are a number of other properties, within the village of Hade Edge, that have neighbouring properties with alternate roof orientation. The new residential development of Boshaw View/Heather View is an example of this. This is the new/recently completed residential development that also fronts Dunford Road Hade Edge and indeed is the adjacent development to our application site. This recent development features hipped roofs, large projecting roof overhangs (eaves and verges) features hipped bays and a lightweight blue slate type roof covering - all features that were not prevailing within the village of Hade Edge but quite clearly have been accepted by the local planning authority? This seems to illustrate an inconsistent approach which is unfair/unreasonable. Our dwelling roof orientation could be changed

but naturally this would significantly reduce the opportunity for the prime south facing slope to incorporate the proposed large solar array.

Again I reiterate my professional opinion that the result of this proposed dwelling will not prevent or even make difficult the potential future development of the adjacent/adjoining safeguarded land. It's questionable why only part of the existing domestic curtilage (garage and one outbuilding) has been included within the mapped safeguarded land designation but the rest of the existing domestic curtilage and other outbuildings haven't? I strongly suspect the boundary of this provisional open land should not have included any of the domestic curtilage? There's a clear boundary (dry stone wall) on the ground and all maps that demarks the separation of the adjoining field from the domestic curtilage.

The topography, nearby protected tree, obvious access point and principle elevations of the other existing dwellings would all be aspects that would partly shape/dictate the layout of any future development on the adjacent safeguarded land. I fail to see how this proposed small dwelling would prevent or even negatively impact on the development potential of this land.

Whilst these matters are noted, they do not overcome concerns related to the principle of development on this site and the ensuing harm to visual amenity and amenities of future occupiers, as explored in the report below. It should be noted that the extant permission for development including a detached garage to serve no. 325-327 was deemed, on the application form, to provide 'enhanced off-street parking provision. Extg garage will not accommodate a modern vehicle'.

In turn, the overall determination of this planning application is on the basis of the original plans submitted to the Local Authority on 28th March 2023.

Relevant Planning History.

- **2022/92067** – 325-327 Dunford Road – Erection of extensions to existing dwelling and erection of detached garage. *Granted.*

Included an assessment of principle of development taking into account Policy LP6:

"In this instance, the area of land subject to safeguarded land already occupies a domestic garage and outbuildings associated and within the curtilage of the host dwelling. It is therefore not considered that to replace these outbuildings with one building which would not be habitable living accommodation, as existing, would prejudice the possibility of long term development on the safeguarded land. The use of the land would not change from existing and therefore would remain protected. As such. It is considered that the proposal would comply with LP6 of the Kirklees Local Plan. Given the above, the principle of the development could be acceptable, but this is subject to other material considerations which Officers will go on to discuss".

Representations.

We are currently undertaking the legal 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.

Final publicity date expired 11th May 2023 – one comment was received in support of the application.

The supporting comment made the following, summarised, points: -

- It will enhance the current streetscene.
- It will provide suitable smaller starter type house for the Holme Valley.
- It is designed to be sympathetic to surrounding buildings and the village feel.
- It is in line with government and local planning guidance for energy efficient homes.
- It will not be a detriment to the local wildlife, although the addition of bird/bat boxes to help with local bats would be welcomed.
- The addition of such a small-scale development is a benefit to Hade Edge for current owners and future residents.
- It removes a very underused patch of land and outbuildings that were getting to be an eyesore in the village.

Ward Cllr Donald Firth submitted comments in support of the application as follows:

- Most or all of the Governments suggestions have been used when putting this plan together, the house although small is actually larger than the minimal size which could have been adopted.
- One parking space was set aside for the usage of the would be resident, ample when taking in the size of the living accommodation,
- The parking is off the main Dunford Road, which is already a 30 mph. area, and soon will be furnished with speed humps.
- This property if allowed to go forward would allow another technician to work from the main office in Dunford Road thereby another car off the road morning and night.
- As far as I can see it ticks all the right boxes.
- Just as a matter of interest the last time this plan was presented to officers for their comments it was passed o/k, no problems??

The issues set out above are considered in the assessment.

Consultation Responses.

Holme Valley Parish Council – support the application, making a positive comment regarding the inclusion of an air source heat pump and stated that the dwelling should not be allowed to become a holiday let.

Highways Development Management – on balance, would consider the proposal acceptable on this occasion.

Environmental Health – made the following comments and recommendations:

Contaminated Land: The site is identified on the council's mapping systems as being situated on potentially contaminated land due to its proximity to an historic quarry/landfill site (site ref: 1/26). The garages themselves may have become contaminated during their previous use, for these reasons Environmental Health recommend as a minimum a Phase I contaminated land report to ensure potential risks to site receptors have been identified and assessed.

Electric Vehicle Charging Points: 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 charging points would therefore be necessary upon any grant of permission.

Construction Noise: Can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason, a condition would be necessary upon any grant of permission to limit the hours of operation for the site.

Policy/Legislation.

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) and Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The majority of the application site is located upon land designated as Safeguarded Land within the Kirklees Local Plan.

The site falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP6 – Safeguarded Land
- LP7 – Efficient and Effect Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design

- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated Land

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

Policy 1 - Protecting and Enhancing the Landscape Character of Holme Valley: *“Overall, proposals should aim to make a positive contribution to the quality of the natural environment.”*

Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design: *“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings”* and [proposals] *“should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”*

Policy 6 – Buildings Homes for the Future: Sets out certain requirements for building residential development in the Holme Valley

Policy 11 – Improving Transport, Accessibility and Local Infrastructure: *“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design.”*

Policy 12 – Protecting Sustainability: *“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions.”*

Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain: *“All development proposals should demonstrate how biodiversity will be protected and enhanced.”*

It is important to note that the application site is within Landscape Character Area 3 – ‘Hade Edge Upland Pastures’. Key landscape characteristics of this area are:

- the open landscape has long distance views of the settled corridor of the River Holme and Kirklees district beyond as well as local views of open water bodies such as Boshaw Whams and Holme Styes.
- Stone boundary walls are common features creating a strong sense of visual unity.
- A network of Public Rights of Way follows lanes or field boundaries. Minor roads and Public Rights of Way, including sections of the Kirklees Way and the Barnsley Boundary Walk long distance footpaths,

connect farmsteads located on the valley sides. National Cycles Route no. 68 also passes through this area.

Key built characteristics of the area include:

- Dispersed settlements characterised by their former domestic textile manufacturing, mill buildings and agricultural heritage along with isolated farmsteads set within an upland agricultural landscape.
- Hade Edge is the largest of the settlements containing some services and modern and older development and lies on a plateau at Dunford Road / Penistone Road.
- Former textile/woollen mills set within the valley of the River Ribble.
- Vernacular building materials include millstone grit in properties and boundary walls.

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications for new dwellings. The SPDs indicate 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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the street scene and wider area. 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 following SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- Highways Design Guide SPD (adopted 4th November 2019)
- Housebuilders Design Guide SPD (adopted 29th June 2021)

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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making

- Chapter 9 – Promoting sustainable transport
- 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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1) Principle of Development

Sustainable Development:

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

Further to this, Policy 6 of the Holme Valley Neighbourhood Development Plan states that housing development will be supported subject to the following considerations being met:

- The proposed development being within existing settlements (and if in the green belt, it must be acceptable with guidance contained within the NPPF).
- Adequate parking.
- Good access to public transport and encourage walking and cycling by enhancing, expanding and linking to existing routes.
- Densities making best and efficient use of land and reflecting settlement character.

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.

Chapter 11 of the NPPF requires local planning authorities to make effective use of land through policies and decisions. Policy LP7 of the Kirklees Local Plan encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value.

Policy LP7 of the Kirklees Local Plan states that the efficient use of previously developed land in sustainable locations should be encouraged provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided.

The text support Policy 6 of the Holme Valley Neighbourhood Development Plan states that the housing density in the Holme Valley will be approximately thirty dwellings per hectare.

Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will

only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

In this instance, it is considered that the site, in principle, would use previously developed land in a largely sustainable location, save for its very limited size – explored in the report below – and that it is designated as safeguarded land in the adopted development plan.

In summary, the principle of a detached dwelling on the site is considered to be unacceptable, with further assessments and discussions set out in the sections below with regard to its land designation as ‘Safeguarded Land’ and the proposals impacts upon other material planning considerations.

Land Allocation (Safeguarded Land):

The majority of the application site is within land designated ‘Safeguarded Land’ within the Kirklees Local Plan.

Policy LP6 of the Kirklees Local Plan states: *“Areas identified as safeguarded land will be protected from development other than that which is necessary in relation to the operation of existing uses, change of use to alternative open land uses or temporary uses. All proposals must not prejudice the possibility of long-term development on safeguarded land sites.”*

The justification of Policy LP6 as set out in the Kirklees Local Plan document goes on to explain: *“The consideration of the permanent development of safeguarded land, such as for housing or employment, will only occur through a change to the allocation through a review of the Local Plan.”*

In this instance, the proposal is for a new dwellinghouse and therefore not considered to be in connection with an established use, unlike the previous householder garage approval to serve the host dwelling at no. 325-327. It would fail to comply with LP6 of the Kirklees Local Plan with regard to protecting land allocated as ‘Safeguarded’ from development during the Local Plan period.

1) 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”.

Paragraph 130 of the NPPF is also of relevance, in particular the following parts: -

- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

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 LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities. In this case a small unit of accommodation would be provided that would contribute towards a mixed community. However, for reasons explored below the ensuing dwelling would not be of a 'high quality' as it would be visually unacceptable and provide a poor standard of residential amenity for future occupiers.

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..."

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposals should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), Hade Edge Upland Pastures (LCA3). There are no concerns that the application would fail to comply with the key characteristics outlined.

Policy 2 of the HVNDP states that "proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings" and [proposals] "should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets..."

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.”*

The application site is set within a semi-rural location, with dwellings located directly north of the site and adjacent to the highway eastwards and open fields beyond the curtilage of the site to the south and west.

The dwelling within this application seeks to provide a two-storey detached property with a gable roof. Regarding the layout and siting of the proposed dwelling, Principle 5 of the Housebuilders Design Guide SPD states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. It is noted that the proposed dwelling would front the highway of Dunford Road, however, its siting would fail to form a coherent building line with the neighbouring properties located north of the site, set back approximately 1.4 metres from the principal elevation of neighbouring No. 325-327. In turn, the proposal would fail to accord with Principle 5 of the above SPD. If it was brought forward it would not be possible to provide off-street parking.

In addition, Principle 6 of the Housebuilders Design Guide SPD highlights in supporting para 7.18 that *‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’*.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of 2 metres distance from the side wall of the new dwelling to a shared boundary. The proposed new dwelling would therefore fail to accord with Principle 6 of the Housebuilders Design Guide SPD, retaining only an approximate separation distance of 0.5 metres from the shared boundary with neighbouring property No. 325-327 Dunford Road.

Given the restricted nature of the site, coupled with the overall size and scale of the dwelling proposed, the roof form (at odds with Principle 15 of the SPD) and that appropriate separation distances have not been provided along the shared boundaries, officers consider that the proposals would result in the new dwelling appearing as an overdevelopment of the site and a cramped form of development. It is also considered that the orientation of the proposed gable roof would be at odds with other properties within the area and therefore would appear alien within the streetscene.

Looking at the external fenestration, windows and doors appear to be in proportion with the dwelling and sympathetic to the character of the area and therefore are considered to be acceptable.

Principle 13 of the Housebuilders Design Guide SPD seeks to ensure consideration is given to use locally prevalent materials and finishings to

reflect the locality. The new dwelling is proposed to be faced in natural coursed stone and the gable roof infilled with natural stone slate tiles. The use of these external materials is considered to be acceptable, in keeping with the vernacular of the area.

In conclusion, the proposal, by virtue of the dwelling's cramped appearance on the plot, scale and appearance and detailing, would represent a contrived form of development that would fail to sympathetically integrate with existing development in the locality, introducing an incongruous addition onto Dunford Road.

It is therefore considered that the proposals would not accord with Policies LP1, LP2, LP11 or LP24(a) of the Kirklees Local Plan, Principles 2, 5, 6 and 15 of the Council's adopted Housebuilders Design Guide SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the NPPF.

2) Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

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

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

Policy 2 of the Holme Valley Neighbourhood Development Plan also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

Principle 6 of the Housebuilders Design Guide SPD sets out 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 neighbouring property with the most potential to be impacted by the proposal is No. 325-327 Dunford Road, which directly neighbours the site to the north.

Impact on No. 325-327 Dunford Road:

As no openings are proposed to the northern elevation of the new dwelling, there are no concerns with regards to overlooking or loss of privacy.

Given the dwelling's siting within the plot and its proposed size/scale/footprint, there are no significant concerns of overshadowing, with the only window in the southern elevation of 325-327 Dunford Road considered unlikely to serve

a habitable room internally. Therefore, there are no significant concerns in respect to overshadowing or loss of light.

Finally, whilst it is acknowledged that the proposals will change the character and nature of this adjacent site by adding significant bulk and massing, as the only window located within the southern side elevation of No. 325-327 is concluded to serve a non-habitable room internally and that the new dwelling would not extend beyond the front or rear elevation of this neighbouring property, the proposal is not considered in this instance to appear overbearing or overly dominant on this adjacent property.

Amenity of future occupiers of the proposed dwelling:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure that all new build dwellings 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 (NDSS), these are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24. Notwithstanding this, the Council recognises the NDSS as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Internally, the proposed dwelling would have a GIA that would meet the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore, in this regard, officers are content that the proposed dwelling would (just) provide an adequate standard of amenity for future occupiers. In addition, every habitable room would benefit from a window, providing adequate levels of natural light and outlook.

In terms of amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. The size of private gardens should be influenced by the size of the dwelling and the potential number of occupants, which in this instance, would be two.

The extent of outdoor amenity space to the new dwelling would be very limited, with a small patio area proposed to the east of the dwelling and a garden area proposed to the southern side elevation. The patio area would have a limited projection of only approximately 1.5 metres and cumulatively the patio and garden area would have a total area of only approximately 26m². In turn, given the cramped nature of the site and outdoor space provisions, it is not considered likely that they would be able to comfortably accommodate activities such as playing or drying clothes, as recommended within Principle 17.

In conclusion, taking the above into account, it is considered that the proposals would not provide an acceptable standard/amount of outdoor amenity space for the dwellinghouse, in turn, not providing a good standard of amenity, whereby to approve such an application would be contrary to Principle 17 of the Housebuilders Design Guide SPD, Policy LP24b of the Local Plan, Policy 2 of the HVNDP and Chapter 12 of the NPPF.

3) Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy 11 of the Holme Valley Neighbourhood Development Plan states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the Housebuilders Design Guide 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.

The proposals seek to construct a one-bedroomed dwelling with a driveway fronting onto Dunford Road. Bin storage is also shown to the site frontage.

The Council's Highways Officers were informally consulted on the proposals and noted that, looking at the site pragmatically, there appears to be sufficient unrestricted 'on-street' parking provision to accommodate parking for the adjacent dwelling of No.325-327 Dunford Road and that the proposed unit is of such a size that the one off-street road space would be considered sufficient. In addition, on site observations indicate that currently there is a level of on street parking present, which would be of a similar situation to the original arrangements for the existing dwelling.

It should also be noted that the submitted plans show bin storage to the front elevation of the dwellinghouse. This bin storage is considered to be in a suitable location, within the boundaries of the site itself and off the highway of Dunford Road.

To conclude, the proposals are concluded to provide adequate parking provisions, with acceptable on-street parking also available. Therefore, the proposals are concluded to comply with LP21 and LP22 of the Kirklees Local

Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Principles 12 and 19 of the Housebuilders Design Guide SPD.

4) Other Matters

Contaminated Land:

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The site has been identified as potentially contaminated land due to its proximity to an historic quarry/landfill site (site ref: 1/26). The garages themselves may have become contaminated during their previous use.

As ground would need to be undertaken, KC Environmental Health have recommended several conditions upon any grant of permission, including the submission of a Phase 1 Preliminary Risk Assessment, Phase 2 Intrusive Site Investigation Report, the submission of a Remediation Strategy and implementation of the Remediation Strategy and finally the submission of a validation report. The implementation of these conditions is deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Climate Change:

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

Principle 18 of the Housebuilders Design Guide 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 proposals.

This is echoed by Policy 12 of the Holme Valley Neighbourhood Development Plan which states that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions.

In this instance, it is considered that the proposed development would have an acceptable impact on climate change as the new dwelling would be constructed to modern building standards and would include the provision of an air source heat pump and solar panels.

Furthermore, as part of this application the applicant submitted a Climate Change Statement, which set out the following mitigation measures:

- The proposed dwelling goes above and beyond the baseline/minimum requirements of the building regulations in relation to the conversion of fuel and power along with the carbon footprint of the dwelling. Numerous low carbon aspects have been integrated into the proposals. Building Regulations applies to this application, subject to a formal approval a Building Control application will be prepared, this will require formal compliance with the Building Regulations.
- Natural stone, resulting from demolition, will be set aside for reuse within the development (walling/dry stone walling).
- All proposed materials (stone, blue slate, timber etc.) are all fully recyclable.
- An EVCP is proposed as part of the proposals, surface water will be harvested for reuse, an air source heat pump is proposed to provide for the well-insulated proposed dwelling and a large solar array is proposed to the purposely orientated South facing roof slope to provide natural heating for a hot water tank that will be within the roof space of the proposed dwelling.
- All appliances will have restricted flows to reduce the water consumption of the proposed dwelling in relation to and achieving compliance with the Building Regulations.
- An EVCP is being provided to the frontage of the proposed dwelling, this will promote the use of an electric vehicle as opposed to current traditional petrol/gas vehicles.

The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

Biodiversity

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Holme

Valley Neighbourhood Development Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

In accordance with Local Planning Policy LP30 and Policy 13 of the Holme Valley Neighbourhood Development Plan, a condition is recommended should planning permission be granted, requesting that 1 integral bat roosting feature is incorporated into the new dwelling on the northern elevation at least 4 metres above ground and not directly above doors or windows. This bat roosting feature shall be installed during the period of construction and retained thereafter in the interests of creating a biodiversity net gain.

5) Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that, the proposed development would not constitute sustainable development, would be contrary to the provisions of the adopted development plan and is therefore recommended for refusal.

The proposal is also considered to be contrary to policy LP2 which seeks to ensure all development proposals 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.

Recommendation: Refuse

Decision Authorisation – Delegated Powers
Application Number: 2023/90893
Officer Recommendation: Refuse

1. The majority of the proposed application site is located upon land designated "Safeguarded Land" in the Kirklees Local Plan, which aims to protect land designated as such from development during the Local Plan period. Given that the proposal is for a new dwelling it would fail to comply with LP6 of the Kirklees Local Plan by introducing development onto "Safeguarded Land" that does not constitute any of exceptions listed within the policy.
1. The proposed development, by virtue of its size, scale, massing and appearance on a small plot would present an incongruous and contrived form of development that would fail to sympathetically integrate with existing development in the locality and which would

result in the overdevelopment of the site. The proposal would therefore cause detrimental harm to the visual amenities of the locality and character of the area, contrary to Policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan, Principles 2, 5, 6 and 15 of the Council's adopted Housebuilders Design Guide SPD, and policies within Chapter 12 of the National Planning Policy Framework.

2. The proposed development, by reason of the limited extent of outdoor amenity space, would provide a poor standard of amenity to future occupiers. Therefore, the development would be contrary to the aims of National Planning Policy Framework Chapter 12, Principle 17 of Housebuilders Design Guide SPD and Policy LP24b of the Kirklees Local Plan.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Existing Site Plan	22/781/03	-	28/03/23
Existing Block Plan	22/781/02	-	28/03/23
Location Plan	22/781/01	-	28/03/23
Proposed Site/Block Layout	22/781/04a	-	28/03/23
Proposed Plans and Elevations	22/781/05b	-	28/03/23
Climate Change Statement	-	-	28/03/23
Design and Access Statement	-	-	28/03/23

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No amendments have been requested in this instance as it was considered that any amendments could not be made that would overcome the concerns. The agent was advised of the recommendation and provided further supporting information. This did overcome the objections to the scheme.

Report Dated: 05/06/23

