# 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: | **2023/62/90936/W** |
| Site Address: | 102, Redwood Drive, Bradley, Huddersfield, HD2 1PW |
| Description: | Partial demolition and construction of new dwelling, detached garage and associated alterations |
| 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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 4th August 2023

## Officer Report.

**Reference:** 2023/90936

**Location:** 102, Redwood Drive, Bradley, Huddersfield, HD2 1PW

**Proposal:** Partial demolition and construction of new dwelling, detached garage and associated alterations

## Site Description.

102 Redwood Drive is a two-storey detached property located in Bradley, Huddersfield. The external walls of the property are faced in red/orange brick, with white render detailing to the front elevation. Above the property is a pitched roof, which is infilled with concrete tiles. Within the wider curtilage, the property benefits from a front driveway and outdoor amenity space to the front, side and rear elevations of the property.

Within the wider streetscene there is a strong sense of similarity established, with all of the surrounding properties sharing the same style of design and construction.

To the north and west of the site is land allocated as a Priority Employment Area.

## Description of Proposal.

Planning permission is sought for the partial demolition and construction of new dwelling, detached garage and associated alterations.

The total length of the new dwelling would become 16 metres and would have a width of 12.6 metres. The maximum height of the new dwelling would be 7.6 metres.

The external walls of the new dwellinghouse would be faced in red/orange brick, white through coloured render and grey powder coated aluminium panel curtain wall glazing.

The roofing forms above the new dwelling will all be pitched and infilled with concrete tiles.

To the rear elevation, a balcony would be erected to the first floor.

A large detached garage is proposed to the front of the property, with a footprint of approximately 42sqm and a height of 4.2 metres.

## History of Negotiations.

No amendments were sought as it wasn’t considered that there would be a design solution that would provide the level of accommodation sought.

This report notes that the applicant has not provided any information regarding impacts of noise and odour, as well as regarding bats. Whilst officers are aware that this information could be sought through negotiation, in this instance, given the number of other matters that also need to be addressed, this information was not requested.

**Relevant Planning History.**

No relevant planning history.

**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 8th June 2023.

In response to publicity, two representations were received, which raised the following objections:

- Overbearing two-storey extension which will extend the property on three sides, protruding from the rear wall of No. 102 as it currently stands and raising the roofline by a substantial amount to the rear of the property. This will cause significant loss of light to neighbouring property.

- Extension will also overshadow and block sunlight from rear garden of neighbouring property.

- The rear extension, together with the first-floor balcony, will cause loss of privacy due to overlooking and will have adverse impacts.

- The double garage is set forward form the building line, which is not in keeping with the neighbourhood and will have a negative impact on the visual appearance of the street scene by its intrusion into the rhythm of development.

- Application states that there will be parking for 6 cars, however, there is no vehicle tracking movements to indicate how vehicles will enter and exit the driveway which is set at a 90-degree angle to the highway, potentially leading to highway safety concerns.

- There are a number of well-established trees inside the garden and along the northern boundary of no. 102, but the proposed site block plan does not indicate whether trees are being removed or retained.

- The proposed scheme is virtually doubling the footprint of the existing dwelling and increasing the number of bathrooms from 2 to 6. If this

proposal of over-development is allowed, then it will create a precedent for others to do the same which would be detrimental to the amenity of the area and residents.

- Bats are regular visitors to the front and rear gardens of no.102.

- The planned rear windows of the application site will end up looking directly
  into the rear windows of other properties, resulting in a loss of privacy.

**Consultation Responses.**

**KC Ecology** – No ecological information has been submitted along with the application. The application should not be determined prior to obtaining survey information regarding bats.

**KC Environmental Health** –

Contaminated Land – the proposed development site is not shown as being potentially contaminated from its former use and it is not located close to any historic landfill sites that may have an adverse impact on the proposed development. However, because the proposals involve breaking ground, KC Environmental Health would recommend conditions relating to unexpected contamination being encountered during the construction phase.

Loss of amenity caused by the construction of the development – there is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. Therefore, we recommend a condition restricting the times when noisy construction activities (including deliveries) will be permitted.

**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).

To the east of the site, the land is Allocated as a Priority Employment Area. Whilst officers note that development would not encroach onto land as Allocated as a Priority Employment Area, it is considered important to the overall assessment of the application with regard to the consideration of other elements of the proposal, such as noise pollution.

The application site is located within an area with a known presence of bats and 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
- LP7 – Efficient and Effective Use of Land
- LP8 – Safeguarding Employment Land and Premises
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

**Supplementary Planning Documents:**

Highways Design Guide SPD (2019)

Housebuilders Design Guide SPD:

On 29th June 2021, Kirklees Council adopted its Housebuilders Design Guide SPD. The document indicates how the Council will interpret its policies regarding such built development, with the advice aligning 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. The SPD will assist with ensuring enhanced consistency in both approach and outcomes and carries full weight as part of the decision-making process.

**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, together with Circulars, Parliamentary 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 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

**Assessment.**

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:
1) Principle of Development
2) Impact on Visual Amenity
3) Impact on Residential Amenity
4) Impact on Highway Safety
5) Other Matters
6) Representations
7) Conclusion

1) **Principle of Development**

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

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".*

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.

The site has previously been developed, with a dwellinghouse, garden space and parking area. The site is therefore considered to be brownfield land where redevelopment is sought to take place, in the form of partial demolition and construction works to form a new dwelling.

With regard to the land Allocation to the east of the site, Priority Employment Area, the proposal is considered to comply with LP8 of the Kirklees Local Plan with regard to safeguarding employment land and premises. However, this land Allocation will be explored in alternative ways within the overall

assessment of the application, for example, with regard to impacts such as noise pollution.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

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 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 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.

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…'*

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. To avoid dominating the street, Principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by Principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by Principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights and the roof types.

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 build 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 response, appropriate approach to the local context."*

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, which aims to ensure development is of high-quality design.

In terms of design, the proposal is to extend the property of 102 Redwood Drive to essentially create a new dwelling with a detached garage and other associated alterations. The new dwelling will be of a significantly larger size/scale to that which currently sits within the plot, with several new design features and a large, detached garage to the front.

The proposal is considered to fail to meet the requirements of the Housebuilders Design Guide SPD with regard to its scale, massing and design.

Generally, from a visual amenity perspective, the cumulative impact to create a new dwelling would lead to overdevelopment within the site, where the proposed works would increase the total length of the dwelling by 6 metres, increase the width by 4.4 metres and add additional roofing forms to the height of 7.6 metres. It is considered that the new dwelling would appear incongruous and out of proportion with the size/scale of the site and original dwellinghouse, as well as the character of neighbouring properties within the immediate streetscene.

Firstly, the new dwelling would extend significantly forward of the original elevation of the existing dwellinghouse by 3.4 metres at a two-storey height of 7.6 metres. This forward projection would disrupt the building line of the original dwellinghouse and cause significant levels of undue bulking and massing to the front of the building. In addition, as well as causing adverse visual impacts to the host property, this forward projection would also cause wider impacts by disrupting the established building line within the streetscene with regard to the neighbouring properties direct southwards. In turn, this forward projecting gable element would be contrary to Principle 5 of the Housebuilders Design Guide SPD, which emphasises the importance of a coherent building line.

The undue levels of bulking/massing to the frontage of the site would be exacerbated further by the out-of-keeping appearance of the principal elevation. The significant extent of white render and full height glazed atrium entrance lobby would not harmonise with the character of the original property, which was faced in brick with a very minimal extent of render detailing. The neighbouring properties are faced entirely in brick to the principal elevations. In turn, the design of the principal elevation of the new dwelling would be contrary to Principle 2 of the Housebuilders Design Guide SPD, which emphasises the importance of creating a positive and coherent identity with regard to materials and appearance.

This part of the development would be clearly visible and prominent from public vantage points along Redwood Drive, creating further potential to harm the character and appearance of the dwelling within the wider streetscene, whereby the property would sit in the context of a row of properties which share a strong sense of similarity.

Whilst contemporary designs and high-quality modern interpretations could be welcomed for new developments, importance is drawn to the justification that these must be demonstrably appropriate to the site context and make a positive contribution to the wider environment. In this instance, the design of the principal elevation is considered to result in visual harm, unsympathetic and failing to respond to the wider context.

The proposed developments would result in an incongruous and overly prominent dwelling that would interrupt the rhythm of established residential development along Redwood Drive and harm the quality of housing in the area.

Furthermore, the detached garage could not be supported from a visual amenity perspective. This is concluded on the basis the garage would be set forward of the principal elevation of the new dwelling and, in conjunction with the proposed driveway, would see the loss of entire front garden amenity space leading to a parking dominated frontage.

The siting of the detached garage would be contrary to the requirements of Principle 12 of the Housebuilder Design Guide SPD, which sets out that garages should be set back from the front of the house and is not a dominant feature, as well as the requirement that vehicular parking does not dominate the front amenity space.

It is therefore considered that the proposed developments would be unsympathetic and incongruous, in turn, harming the character and appearance of the wider streetscene, contrary to Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Principles 2, 5, 12, 13 and 15 of the Housebuilders Design Guide SPD.

2) **Impact on Residential Amenity**

A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan.

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. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised:

- 21 metres between facing windows of habitable rooms at the back of dwellings.
- 12 metres between windows of habitable windows that face onto windows of non-habitable room.
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

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

Principle 17 of the Housebuilders Design Guide SPD requires development ensures an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out:

*100 Redwood Drive:*

This property neighbours the application site to the south.

The proposed new dwelling would see the extent of built form increasing in length and height close to the shared boundary with No. 100. This would include additions at first floor level, as well as a single storey flat roofed projection with a terrace above.

These additions close to the shared boundary would be concluded to create an enclosed and oppressive feel between No.102 and No.100, with a seperation distance of only approximately 1.3 metres retained from the shared boundary. These works would undoubtedly impact upon the levels of natural

light to existing glazing on the rear of No.102 Redwood Drive, as well as to the rear amenity space.

This would be with regard to the solid walls proposed, as well as the 2.10-metre-high privacy screen proposed to the side elevation of the terrace. It is concluded that these features would result in undue levels of bulking/massing close to the shared boundary with No. 102 Redwood Drive.

The new dwelling would be concluded unacceptable with regards to residential privacy in relation to No. 100 Redwood Drive.

*11 and 15 Brier Hill View:*

These properties are located to the rear of the application site.

It is concluded that the proposed works to No. 102 Redwood Drive would be acceptable from a perspective of causing no significant impacts of overbearing or overshadowing, an assessment of impacts to privacy is set out below.

The proposal would bring the rear elevation and rear glazing of new dwellinghouse closer to the shared boundary with No.'s 11 and 15 Brier Hill View, as well as creating a terrace to the first floor.

The proposed glazing to the new rear elevation of No. 102 Redwood Drive would be separated from the shared boundary with No. 15 Brier Hill View by a minimum of 9.4 metres. This glazing would retain a seperation distance of approximately 19.4 metres from No. 15 at ground floor level and a distance of approximately 22.6 metres at first floor level. In turn, these seperation distances are compliant with the requirements of the Housebuilders Design Guide SPD.

The new rear glazing would be separated from the shared boundary with No. 11 Brier Hill View by a minimum of 8.3 metres. This glazing would retain a seperation distance of approximately 15.6 metres at ground floor level and a distance of approximately 20.8 metres at first floor level. In turn, these seperation distances, in conjunction with the locational relationship between 102 Redwood Drive and No. 11 Brier Hill View, work to satisfactorily accord with the requirements of the Housebuilders Design Guide SPD with regard to privacy.

However, whilst the proposed rear glazing is considered acceptable with regards to residential amenity, the use of the flat roof space of the single storey rear element of the proposal, as a terrace, is concluded to result in detrimental levels of overlooking into the rear elevations of No.'s 11 and 15 Brier Hill View.

The terrace would be separated from the shared boundaries with No's 11 and 15 Brier Hill View by less than 10 metres and would allow open views into the rear gardens and rear elevations of both neighbouring properties. The levels

of overlooking into the neighbouring properties from the terrace would be further exacerbated given the glazed rear extensions to both No's 11 and 15 Brier Hill View, which likely function as habitat living spaces within the interior of the dwellings.

Whilst the boundary treatment along the rear boundary of No. 102 is noted, this is not considered to suitably mitigate the impact of overlooking from the terrace. The first-floor level of the terrace would allow users an outlook above the hedging/trees.

In light of the above, the proposal is considered to have an unacceptable impact on residential amenity, causing harm to the living conditions associated with No. 100 Redwood Drive and No.'s 11 and 15 Brier Hill View. The scheme therefore fails to comply with Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Alterations SPD and Chapter 12 of the NPPF.

*Amenity of Future Occupiers of No. 102 Redwood Drive:*

The proposal would meet the requirements of the NDSS in relation to space standard provided for the occupiers of the proposal, and would also ensure that a usable amenity space would be provided. The proposal would therefore accord with principles 16 and 17 of the Housebuilders Design Guide SPD in this regard.

Officers note that the proposed plans show new glazing to be installed to the northern side elevation of the property, with double height glazing and regular windows to serve habitable rooms internally, including bedrooms.

Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

The northern side of the property is directly adjacent to the land allocated as a Priority Employment Area.

The closest operating business within this Priority Employment Area is GCs coffee house, which is located only approximately 20.7 metres from the glazing proposed on the northern side elevation of the new dwelling. In addition, several other industrial uses are established within relatively close proximity.

Given the nature of the coffee house, as well as the other surrounding uses, it is considered that the Priority Employment Area could produce levels of odour and noise that would detrimentally impact upon the occupiers of the proposal as a result of the introduction of glazing on the northern elevation of the new dwelling.

No details of noise or odour pollution from the Priority Employment Area were submitted as part of this planning application. Therefore, it is concluded that insufficient information has been provided with regard to impacts of noise or odour with regard to the introduction of new glazing to the northern elevation of the dwelling.

Please refer to the 'History of Negotiations' section for the reasons as to why this information was not requested post submission.

In turn, as submitted, the application is considered to be contrary to LP24 (b) of the Kirklees Local Plan which states that *'proposals should promote good design by ensuring: b. they provide a high standard of amenity for future and neighbouring occupiers'*

**3) Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Highways Design Guide and Housebuilders Design Guide SPD requires a minimum of 3 parking spaces.

The proposal shows the entire frontage of the site to be hard surfaced as part of this application, to provide additional on-site parking amenity space. It is considered that this driveway would provide adequate levels of parking in relation to the domestic function of the proposed new dwelling.

Officers do however note that the application form states the additional driveway to be surfaced in tarmac. Tarmac is not considered to be a permeable material and therefore, the use of this material without any additional methods of drainage would be considered unacceptable. Therefore, if permission was to be granted, a condition regarding surfacing and drainage would be included.

With a condition regarding the surfacing and drainage of the extended driveway, the scheme could be considered acceptable in terms of parking and access / highway safety. Having regard to policies LP21 and LP22 of the Kirklees Local Plan and Highways Design Guide SPD the proposal is concluded acceptable with regard to parking and access / highway safety.

**4) Other Matters**

*Climate Change:*

Principle 18 of the Housebuilders Design Guide SPD expects new proposals to 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. Paragraph 9.8 of the Housebuilders Design Guide details that homes can take advantage of solar gain, typically with one elevation facing within 30 degrees of due-south and supporting the position of

dual-aspect buildings to allow for the penetration of natural light at different times of the day. This paragraph goes on to state this needs to form part of an integrated house design that avoids overheating.

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.

A climate change statement was submitted with this application, stating that the works would be constructed to standards of Building Regulations, with the following further mitigation measures specified:

- all materials to be locally sourced
- no machines left running whilst not in use
- delivery vehicles will not be left running whilst making material deliveries.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with policies within Chapter 14 of the NPPF & Policy LP51 of the Kirklees Local Plan.

*Bats:*

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.

The application site lies within the bat alert layer on the Council's GIS system.

No ecological information has been submitted along with the application; therefore, the assessment of the ecological impacts is based on the limited information available. The site is located within the bat alert zone and within close proximity to the Kirklees Wildlife Habitat Network. Therefore, as the surrounding area provides suitability for bats and the proposals include works to the structure of the building, there is a reasonable likelihood of disturbance to roosting bats.

The government circular on Biodiversity and Geological Conservation (ODPM, 2005) and explanatory note from Natural England (Natural England, 2020) indicated that information of protected species, and in particular European protected species (including bats), should be made available prior to determination.

KC Ecology were formally consulted as part of the determination of this application, concluding that the application should not be determined prior to obtaining survey information regarding bats. Please refer to the 'History of Negotiations' section for the reasons as to why this information was not requested post submission.

In the absence of the required information, it is considered insufficient information has been submitted to determine the application in this regard.

## 5) Representations

In response to publicity of the application, two representations were received.

## 6) 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 impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

The proposed development is therefore refused on the grounds of having adverse effects on visual amenity and residential amenity, as well as for providing insufficient information regarding several key material planning considerations (noise, odour, and bats).

The proposal is therefore 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: 2023/90936**
**Officer Recommendation: Refuse**

**<u>Reasons for Refusal:</u>**

1. The proposed new dwelling and detached garage, by virtue of their design, scale and massing would appear as incongruous and discordant features in the street, which would have a harmful impact upon the character and appearance of the dwelling and wider streetscene. The development would therefore be contrary to policy LP2 & LP24 (a) and (c) of the Kirklees Local Plan, Principles 2, 5, 12, 13 and 15 of the Housebuilders Design Guide SPD and policy Chapter 12 of the National Planning Policy Framework.

2. The proposed new dwelling, by virtue of its scale, design and siting in relation to shared boundaries, would lead to a detrimental level of overshadowing and be unduly overbearing to the occupiers of No. 100 Redwood Drive. Therefore, the proposal would fail to retain a high standard of amenity for occupiers of this neighbouring dwelling contrary to policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. The proposed rear terrace would overlook No.'s 11 and 15 Brier Hill View having a detrimental impact upon privacy. The proposal would therefore fail to retain a high standard of amenity for occupiers of these neighbouring dwellings contrary to policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. The application site is located within a bat alert zone and within close proximity to the Kirklees Wildlife Habitat Network, with works proposed to the structure of the building, with a reasonable likelihood of disturbance to roosting bats. Insufficient and inadequate information has been submitted to enable a full assessment of the impact of the development upon protected species and demonstrate compliance with policy LP30 of the Kirklees Local Plan, the government circular on Biodiversity and Geological Conservation (ODPM, 2005) and explanatory note from Natural England (Natural England, 2020).

5. The northern elevation of the property is directly adjacent to the land allocated as a Priority Employment Area and proposes new openings. Insufficient and inadequate information has been submitted to enable a full assessment of the impact of the development as a result noise and demonstrate compliance with policies LP24 & LP52 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

| **Plan Type** | **Reference** | **Version** | **Date Received** |
|---|---|---|---|
| Existing Block Plan | 2022-010-(08)001 | - | 27.3.23 |

| | | | |
|---|---|---|---|
| Proposed Site Block Plan | 2022-010-(08)002 | - | 27.3.23 |
| Existing Plans and Elevations | 2022-010-(20)001 | - | 3.4.23 |
| Proposed Floor Plans | 2022-010-(20)002 | - | 27.3.23 |
| Garage Plans and Elevations | 2022-010-(20)005 | - | 3.4.23 |
| Proposed Elevations Overlay | 2022-010-(20)004 | - | 3.4.23 |
| Proposed Elevations | 2022-010-(20)003 | - | 3.4.23 |
| Climate Change Statement | - | - | 27.3.23 |

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 were sought as it wasn't considered that there would be a design solution that would provide the level of accommodation sought.

Report Dated: 3.8.23