

**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:	2023/62/91228/E
Site Address:	64, Westfield Lane, Scholes, Cleckheaton, BD19 6DR
Description:	Demolition of existing bungalow and garage and erection of detached dwelling and double garage
Recommending Officer:	Katie Wilson

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 03 January 2024

Officer Report

2023/91228 – 64, Westfield Lane, Scholes, Cleckheaton, BD19 6DR

Site Description

The application site is at 64, Westfield Road, Scholes, Cleckheaton. It is a roughly rectangular and level plot of land around 22.0m wide by 53.0m deep. It currently accommodates a modest detached bungalow thought to date from the 1930s and a detached garage at the back.

The bungalow is positioned towards the rear of the site with relatively large garden to the front, and smaller garden area at the back. The garden areas have recently been cleared and some fencing placed around part of the front garden perimeter.

Access from Westfield Lane is via a gated entrance centrally placed on the southern boundary of the site, and a driveway leads towards the bungalow and garage.

The area is predominantly residential with a mixed character of properties of differing ages, designs and materials. To the east of the site are two bungalows with two storey hipped roofed semi-detached properties beyond. To the north are modest detached properties set within reasonably sized gardens. To the west is a detached dwelling with steep pitched roof and there are a mixture of other house types further on the road. Across Westfield Road there are open aspects in a southerly direction over allotment area.

The site benefits from a mixed boundary treatment of high and low hedges, timber fence and low stone wall to the frontage, more recently partially replaced with timber fencing.

The site is unallocated within the Kirklees Local Plan. It is not in a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

Planning permission is sought for demolition of existing bungalow and garage and erection of detached dwelling and double garage.

The building:

A two storey detached dwelling with rectangular footprint ~12.3m wide x 13.2m deep. The roof would be dual pitched with eaves ~6.0m, ridge ~8.7m and gable ends facing to the east and west.

There would be subordinate two storey gable element centrally placed on the front elevation flanked by bay windows to either side at ground level. On the rear elevation there would be another 2-storey gable, off set to the western side and ridge height almost in line with original building. It would have a recessed balcony and feature floor to ceiling glazing.

The front elevation would be natural stonework at ground floor level with white render above, and the remaining walls would also be white render. The roof would be surfaced in natural slates.

The main windows would be to the front and rear elevation in more traditional style to the front elevation, whilst to the back there would be two sets of floor to ceiling sliding glazed doors. In the east facing gable end would be a door and a small window at ground floor with one other small window at first floor level. The west facing elevation would be blank.

The development would provide five double bedrooms, including two with dressing rooms and ensembles together with a house bathroom and the master bedroom would have a recessed balcony. These would all be at first floor level.

At ground floor level would be a lobby, reception room, a living room, a snug, a large kitchen diner a utility and wc.

The garage:

Rectangular footprint ~6,5m x 6.5m.

Dual pitched roof eaves around 2.8m high and ridge level around 5.0m high.

The walls would be white render and the roof surfaced in natural slates.

There would be a garage door to front and one door in one of the side elevations.

The Layout:

The house would be positioned approximately centrally within the plot, with gables facing in an east and westerly direction.

The front elevation would be at least approximately 19.0m from the front boundary with Westfield Lane.

The rear elevation would be at least approximately 16.5m from the rear boundary.

The east elevation would be approximately 5.0m from the eastern boundary.

The west elevation around 4.0m from the western boundary.

The garage would be in the front garden. Its front elevation would face in an easterly direction and ridge line on a north south axis.

Its front facing gable end would be approximately 6.3m from the front boundary of the site.

The vehicular entrance to the site would be as it is centrally placed with short drive and turning space in front of the garage and the main building.

History of negotiations

During the course of the application the scale of house was reduced and an enlarged garage was rejected in favour of initially submitted double garage. Minor alterations to the fenestration were sought and received and a street-scene drawing submitted.

Relevant Planning History

2022/91791 – Demolition of existing dwelling and garage and erection of two detached dwellings. Conditional Full Permission.

Representations

The application was publicised in accordance with statutory publicity requirements. Publicity ended on 5th June 2023.

5 representations were received as a result of the above publicity, 1 in support and 4 in objection to the scheme. The full comments are available to view on the Council's Planning Webpage, but a summary of the comments raised is provided below:

Objections:

- It would have an adverse impact on trees and wildlife. A condition of the previous permission sought 2 bird boxes, this is not enough. Another condition advised that vegetation and building works should not be undertaken in the breeding season.
- It would overlook properties to rear on Thirlmere Avenue. Moving the proposed dwellinghouse forward (towards Westfield Lane) would create more space. The proposed balcony and windows would be far more intrusive than those permitted under the previous plans.
- Another bungalow would be more in keeping with the character of the surrounding area.
- It will not be in keeping with the character of the area. It will make the area look bare and open, and look more like a prison compound with a watch tower than a secluded property.
- There should be a footnote relating to construction working times
- They note that the application lacks measurements and concerned that the dwelling could be plonked anywhere on the site.

Support:

- It's good to see new projects and modernisation taking place. Cannot wait to see it built.

Councillor Andrew Pinnock contacted the case officer in respect of the application and raised concerns in relation to the hard surfacing of the front part of the site.

Consultation Responses

KC Environmental Health: No objection, subject to condition.

KC Highways Development Management: No objection subject to condition.

The Coal Authority: No objection subject to condition

Policies

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

The site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making

- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

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

- Kirklees Highways Design Guide Supplementary Planning Document (SPD) (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide Supplementary Planning Document (SPD) (2021).
- National Described Space Standards (2015)

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

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 unallocated on the KLP Policies Map. Policy LP2 states that: “All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

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 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. However, the revised NPPF (para 76) states that Local Planning Authorities are **not** required to demonstrate a 5 YLS if their adopted plan is less than 5 years old and the plan identified at least a five year supply of sites. Therefore, at this moment in time, the Council is not required to demonstrate a 5 YLS until after 28th Feb 2024 (when the Local Plan is more than 5 years old).

This means that until 28th Feb 2021 any applications will need to be dealt with on their own individual merits.

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost 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”.

Policy generally seeks to support residential development upon unallocated sites and in this instance the site has an extant planning permission for demolition of existing dwelling and garage and erection of two detached dwellings. Therefore the principle of residential development of the site is acceptable.

However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 3 or 4 dwellings. However, LP7 states this target should be ‘where appropriate’ and in the policy justification set out in paragraph 6.40

that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. One dwelling is proposed in this instance, but this is considered appropriate as more dwellings on the site would likely result in a cramped form of development, would require further car parking spaces and would not suit the residential layout of the area.

In respect of the above, the principle of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

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..."

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*

- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Westfield Lane is a relatively long classified B road, for the most part lined by residential buildings on both sides and most with front gardens, but no clearly defined building line.

There are a variety of building types, but mainly two storey semi detached or detached houses in a mixture of external materials including natural stone, red brickwork, white render, artificial stone, white board cladding and combinations of stone and render or red brick and render. Most of the roofs are dual pitched and many are hipped to the sides. They are surfaced in a variety of grey slates or brown or red tiles.

To either side of the application site are several bungalows, most are true bungalows, and one has a chalet style steeply pitched roof.

The application site is positioned roughly in the middle of Westfield Lane with some larger, individually designed detached houses to the west and semi-detached of repeated design to the eastern side.

In terms of form, scale and layout, although the proposed house would be significantly larger than the immediately surrounding bungalows, it is on a larger plot of land and it would be of similar proportions to the extant permission for two houses (their combined massing). The applicant /agent has also submitted a street-scene drawing that shows the ridge level of the proposed building in-line with that of neighbouring chalet style bungalow at 64a, Westfield Lane.

The submitted layout drawing also shows that the proposed dwelling would be in a central position, similar to the extant permission, and retain generously proportioned garden space to the front, rear and sides. That would be approximately 20m from the front boundary, 16.5m from the rear boundary and at least 5.0m from the eastern boundary and 4.0m from the western boundary. In the front garden there would also be a detached double garage and associated drive and turning area. The double garage would have potential for some impact upon the street-scene, but it too would be set back from the roadside around 6.0m and with appropriate landscaping to the front it is considered that its impact would be modest and could fit into the street-scene quite comfortably. There is also some precedence for detached garages to the front of houses elsewhere along Westfield Lane, and the neighbouring bungalow at 62, Westfield Lane would also be forward of this garage.

In terms of design details, the external wall materials would be predominantly white render with some natural stone walling at ground floor level on the front elevation, whilst the roof would be surfaced in natural slates tiles. It is noted that the extant permission was granted with a condition that the development should be complete using coursed natural stone walling to the front elevation, natural stone render to the sides and rear with blue/grey concrete roof tiles. It

is recommended that this be repeated for the current proposal, as it is considered that the use of these materials would fit into the street-scene comfortably, in the interests of visual amenity.

The fenestration to the front elevation would be relatively traditional, although there would be a floor to ceiling feature window in the subordinate and central gable, but all would have stone sills and headers. At the back of the house the fenestration would be more contemporary with two sets of large sliding doors at ground floor level, with a large feature window with sliding doors to master bedroom also at first floor level opening onto recessed balcony. None of these have stone sills or headers, however, in officers opinion they would be a good mixture of traditional and modern design, which would fit into the mixed character of the surrounding area quite comfortably.

The use of dual pitched roofs with gable ends also reflects roof designs in the wider area.

It is noted that the application form states that there are no trees or hedges within the development site, however at the time of the first site visit there were some trees and hedges within the site. It is also acknowledged that during the course of this application they appear to have been removed and some hardstanding replaced the former front garden with construction vehicles and a caravan together with close boarded fencing around 1.8m high along the site frontage. With an extant permission in place the caravan would not require planning permission provided it is just for the duration of the construction phase, and the appearance as a construction site is acceptable. However, the proposed site plan indicates that the hardstanding area would be reduced to just a short driveway and turning / parking area in front of the garage, together with paved areas forming paths to and around the house and modest patio area immediately to the rear. The rest of the site area would be grasses with what appear to be trees or shrubs in the front and rear garden. There is also an annotation that a 600mm metal railing would be added to the existing walling along the site frontage to improve security. These details are quite sketchy, and it is recommended that condition for more details for the landscaping of the site are submitted and approved in writing by the LPA, in the interests of the street scene and visual amenity.

The extant permission was also granted with a condition removing permitted development rights of within classes A, AA, B, D or E of part 1 of Schedule 2, to prevent further development that could harm visual amenity or neighbouring occupiers. It is recommended that this is repeated for the same reasons.

In summary, it is considered that the form, scale, layout and overall design, would fit into the character of the surrounding area successfully and with appropriate landscaping it would also fit into and enhance the street-scene quite comfortably. This would be compliant with policy LP24 of the KLP, principle 2 of the Kirklees Housebuilders Design guide SPD and chapter 12 of the NPPF.

Impact of Residential Amenity

Section B and C of LP24 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 users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The Housebuilders Design Guide SPD also provides advised separation distances for two storey dwellings:

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

The properties most likely to be affected would be 5 and 7, Thirlmere Avenue, to the north, 60 and 62, Westfield Lane to the east and 64a, to the west of the site.

5 & 7, Thirlmere Avenue

These are detached bungalows to the north of the application site and their rear elevations face onto the rear of the application site. At the time of the site visit there appeared to be a combination of wooden fencing around 1.5m high and beech hedging around 3.0m high along the mutual boundary.

There is no reference to boundary treatment on the proposed site plan however, the application form states that there are no trees and hedges on the proposed development site and the design and access statement says that boundary fencing will be close feather boarded cedar with posts and rails up to a height of 1.8m.

In terms of overlooking impact, the rear of the proposed dwelling would be at least 16.5m from the mutual boundary and at least a further 7.0m from the rear elevation of these neighbouring properties.

Windows in the rear elevation of the proposed building would be to habitable rooms at both ground and first floor level and there would be a recessed

balcony flush with rear elevation. Those at ground floor level in these facing bungalows are also expected to be to habitable rooms. However, the separation distance would be at least 23.5m and this would be in excess of the minimum separation distance set out in principle 6 of the Housebuilders Design Guide SPD. It is noted that there is also an established similar relationship between facing windows further along Westfield Lane between the back of 29, Thirlmere Avenue, a true bungalow to the north of 90, Westfield Lane, a two storey semi-detached house.

In terms of overshadowing and overbearing, the proposed new house would be orientated to the south of these neighbouring properties and it would have a ridge level approximately 8.5m above ground level. In officer's opinion the proposed development would cast shade to the back of the property, but much of this would be over the proposed rear garden as it would be at least 16.5m to the mutual boundary, as so this impact would be relatively limited.

Whilst the proposed new house would be a substantial size, given the generous separation distances described before, it is considered that this impact would be quite limited.

60, Westfield Lane

This is a true bungalow on adjacent land to the east of the application site. Its principal elevations are gabled and to the north and south. The property also has a flat roofed extension to its eastern side, providing space for a lounge and bathroom.

In terms of overlooking, the east facing side elevation of the proposed dwelling would be facing and roughly parallel with the west facing elevation at 60, Westfield Lane. It would contain a door and small window at ground floor level, with small window to bathroom above. The facing elevation at 60, Westfield Lane is largely blank except for a small window set back from the mutual boundary around 9.5m.

As the side elevation of the proposed building would also be set in from the mutual boundary at least 5.0m and the bathroom window would be obscurely glazed, it is considered that these circumstances together with fencing around 1.8m high along the boundary would prevent any undue invasions of privacy.

Regarding overshadowing and overbearing, in this instance the extant permission allows a similarly proportioned 2-storey house to be built approximately 2.3m from the boundary. Whilst the proposed house would be slightly deeper and so may have some additional impact, the proposed building would also be further from the mutual boundary, by approximately 3.0m and so on balance it is considered that the overshadowing and overbearing impacts would be approximately the same as already approved.

62, Westfield Lane

This is another true bungalow located on adjacent land to the south east of the proposed building.

In terms of invasion of privacy, it has its main windows to the front (south) and rear (north) and there would be no direct relationship between those proposed and those at this neighbouring property. There would also be a separation distance of at least 11.0m. As such it is considered that there would be no overlooking impacts.

Regarding overshadowing or overbearing, the proposed building would be located to the north west of this neighbouring property and as such is unlikely to block much direct sun light. Furthermore, given the separation distance described above, it is considered that it would have limited overbearing effect. It would also be located in roughly the same location as houses subject to the extant permission.

64a, Westfield Lane

This is a chalet style bungalow with conservatory to the front, located on adjacent land to the west of the application site.

In terms of invasion of privacy, the proposed house would have no openings in its west elevation and 64a, has just a door and a window in its facing side elevation. There would also be a separation distance of approximately 8.0m between these facing elevations. It recommended that new opening in the west facing elevation of the proposed building are controlled by condition, and in those circumstance, it is considered that there would be no invasion of privacy issues.

In terms of overshadowing and overbearing, the massing of the proposed building would have potential for some such impact but given that the impact of the extant permission would be similar and that there would be the separation distance described above, it is considered that this impact would be acceptable.

The proposed double garage would be to the south east of the front of 64a, Westfield Lane with a separation distance of around 8.0m. In this context it is considered that there would be no overlooking, overbearing or overshadowing impact.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

The proposed dwelling exceeds the minimum recommendations as set out within the National Described Spacing Standards for such a dwelling, and the proposed front and rear gardens are considered to be a good size for a dwelling of this scale.

Generally:

Other neighbouring properties would be further away and have no direct relationship to windows in the proposed house.

The extant permission was also granted with conditions withdrawing permitted development rights within classes A, AA, B, D or E of part 1, of schedule 2 of the order in order to prevent further development having a harmful impact upon neighbouring occupiers. A further condition was applied to prevent new door or window openings in the elevations of the approved buildings for the same reasons.

It is recommended that these are repeated for the current application for the same reasons.

To conclude, subject to a condition, the proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

A 5 bedroom dwelling is proposed at the site, and the Kirklees Highways Design Guide SPD states that at least 3 on-site spaces are required for dwellings with more than 3 bedroom.

The Highways Development Management officers have been consulted and commented that 4 car parking spaces are proposed and as such this meets the recommended parking standards.

They go on to comment that adequate turning area within the site is also proposed to allow vehicles to access and egress the site in a forward gear. These proposals are therefore acceptable to highways development management.

They recommend a condition related to areas to be surfaced and drained and this should be applied if the application is approved.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Other Matters

Ecology

In line with policy LP30, the proposals have not demonstrated a biodiversity net gain in accordance with LP30 (ii) which requires development to “minimise

impact on biodiversity and provide net biodiversity gains through good design". To ensure that the development is able to achieve an uplift in its value for biodiversity, a condition to provide two bird boxes is recommended.

This is considered proportionate to the development to ensure the development incorporates adequate measures to provide enhancement and mitigation.

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.

Due to the nature of the scheme, this being a proposal providing one new residential unit within the site, it is considered that one electric vehicle charging point for this dwelling should be provided to aid in the contribution to climate change. This matter could be conditioned should planning permission be granted.

Construction

The Council's Environmental Health Officer has requested that construction site working times are conditioned in order to prevent undue noise disturbance at inappropriate times. However, as noise nuisance is controlled under separate legislation, it would be reasonable to impose this as a footnote instead of a condition.

Health and Safety

The front half of the site is in the inner, middle and outer zone of a high pressure gas pipe and the middle zone of a hazardous materials site. The health and safety executive have been consulted and do not advise on safety grounds against the granting of planning permission.

Representations:

5 representations were received as a result of the above publicity, 1 in support and 4 in objection to the scheme. The full comments are available to view on the Council's Planning Webpage, but a summary of the comments raised is provided below:

Objections:

- It would have an adverse impact on trees and wildlife. A condition of the previous permission sought 2 bird boxes, this is not enough. Another condition advised that vegetation and building works should not be undertaken in the breeding season.
In response: It is recommended that these be repeated
- It would overlook properties to rear on Thirlmere Avenue. Moving the proposed dwellinghouse forward (towards Westfield Lane) would create more space. The proposed balcony and windows would be far more intrusive than those permitted under the previous plans.
In response: The relationship to surrounding development has been fully assessed and weight has been given to the impact of the extant permission. It is considered that the separation distance between the proposed building and these neighbouring properties would exceed the minimum recommended distances set out in the Housebuilders design guide SPD and this would be acceptable.
- Another bungalow would be more in keeping with the character of the surrounding area.
In response: In officers' opinion there is sufficient variety within the wider street-scene and character of the area to allow a two storey structure on this plot of land. The extant permission also allows a couple of 2-storey structures at the site.
- It will not be in keeping with the character of the area. It will make the area look bare and open, and look more like a prison compound with a watch tower than a secluded property.
In response: Officers disagree and for the reasons detailed in section relating to impact upon visual amenity, it is considered acceptable, subject to conditions.
- There should be a footnote relating to construction working times
In response: This will be applied to the decision notice should it be approved.
- They note that the application lacks measurements and concerned that the dwelling could be plonked anywhere on the site.
In response: Implementation of the scheme in accordance with the approved plans would be a standard condition of approval.

Support:

- It's good to see new projects and modernisation taking place. Cannot wait to see it built.
In response: This is noted.

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 constitute sustainable development and is therefore recommended for approval.

Recommendation**APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2023/91228

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders Design Guide SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Nothing shall be permitted to be planted or erected within a strip of land 2.4m deep measured from the carriageway edge of Westfield Lane along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

4. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and turning areas on Drawing No. 23185- DR-C-0100 rev P4 are laid out and surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained, free of obstructions and available for parking throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

5. The development shall be completed using coursed natural stone walling to the front elevations, natural stone render to the side and rear with blue/grey concrete roof tile.

Reason: For the avoidance of doubt and in the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, D or E of Part 1 of Schedule 2 to that Order shall be carried out

within the site outlined in red on the hereby approved Location Plan without the prior written consent of the Local Planning Authority.

Reason: To prevent further development of the site, which could materially harm the visual amenity of the site and the amenity of neighbouring occupiers, to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the elevations of the dwellings hereby approved.

Reason: So as not to detract from the amenities of neighbouring properties by loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

8. The development shall not be occupied until the bathroom window on the first floor in the east facing elevation and to master bedroom in front elevation on Drawing No. 23185-DR-C-0101 rev P4 hereby approved have been obscurely glazed (to a minimum privacy level of Grade 4 or equivalent). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

9. Prior to the occupation of the dwelling, a plan detailing the positioning and location of two bird boxes (Schwegler 1SP or similar) shall be submitted to and approved in writing to the local authority. The approved bird boxes shall be provided prior to first occupation of the dwelling and thereafter be retained.

Reason: To provide an enhancement to biodiversity in line with Policy LP30 (as modified) and the requirements of section 15 of the National Planning Policy Framework.

10. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the surfacing for all areas to be hard landscaped. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent

to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity to accord with Policy LP32 & LP 52 of the Kirklees Local Plan and National Planning Policy Framework Chapter 12 & 15.

11. Prior to the first occupation of the dwelling hereby approved, one electric recharging point shall be installed within the dedicated parking area of the dwelling hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework and West Yorkshire Low Emissions Strategy.

NOTE Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays.

NOTE Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE:

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, block plan/roof plan and floor plan and elevation drawings as existing	Dwg no. 22-034-01		24.04.2023
Proposed site layout	Dwg no. 23185-DR-C-0100	P4	06.10.2023
Proposed floor plan	Dwg no. 23185-DR-C-0101	P3	18.08.2023
Proposed elevations	Dwg no. 23185-DR-C-0101	P4	06.10.2023
Proposed street-scene	Dwg no. 23285-DR-C-0103	P3	17.08.2023
Additional information: Climate change statement			24.04.2023

Design and access statement			24.04.2023
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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. During the course of the application the scale of house was reduced and an enlarged garage was rejected in favour of initially submitted double garage. Minor alterations to the fenestration were sought and received and a street-scene drawing submitted.

Dated: 27.12.2023