

**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:	2023/62/91327/W
Site Address:	adj, 152, Somerset Road, Almondbury, Huddersfield, HD5 8HY
Description:	Erection of detached dwelling
Recommending Officer:	Katie Chew

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.

John Holmes

AUTHORISED OFFICER

Date: 6th February 2024

Officer Report

Site Description

Adj, 152, Somerset Road, Almondbury, Huddersfield, HD5 8HY

The application site relates to a portion of land located in between nos. 148 and 152 Somerset Road in Almondbury. The site is bounded by dry stone walling to the front, with other timber and brick structures located along the northern and southern boundaries. The site is currently open to the west and sits adjacent to single storey detached garages. The site has recently been cleared of vegetation.

The application site is not located within a Conservation Area or in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of a detached dwelling.

The proposed dwelling is to be constructed between nos. 148 and 152 Somerset Road. The dwelling is to be three storeys with living accommodation within the roof space. However, it is noted that when viewed from the rear the property would appear as a two-storey dwelling given the changes in topography.

The dwelling will have a floorspace of approximately 270sqm and a ridge height of 12m. It will comprise of a double integral garage, open plan kitchen/dining area, living room, utility, WC, office, 2 x main bathrooms, 4 bedrooms and 2 en-suites. Parking is to be provided within the garage and on the driveway to the front. Amenity areas are proposed to the rear with landscaping proposed on either side of the dwelling to the north and south. In terms of boundary treatments, the existing stone wall is to be built partially around the access into the site, with 1.8m high (tapering where necessary) fencing proposed along the north, south and western boundaries.

The proposed dwelling is to be constructed from natural stone, with natural stone surrounds, render and a natural grey slate roof.

As this site does not currently benefit from an open access to either pedestrians or vehicles, a new access is to be created onto Somerset Road to the east.

History of negotiations/amendments received

Amendments and additional information have been requested following on from consultation responses received from highways, to ensure that a safe access can be gained from Somerset Road, with sufficient off-street parking provided within the site. In addition, Officers requested further amendments

and information to be submitted in respect of the details of design, scale and landscaping at the property in the interests of visual and residential amenity. In respect of the 'informal' disabled parking bay located to the front of the application site, the applicant's agent has been informed via email on the 30th January 2024 that this would need to be relocated/removed via a process which falls outside of the remit of this planning application and should this not be able to be undertaken and an alternative point of access to the site may be required.

Relevant Planning History

2020/91049 – Erection of detached dwelling. Withdrawn 11th April 2023.

Planning Enforcement

COMP/23/0139 – Alleged commencement of development prior to decision 2020/91049.

Consultation Responses

KC Highways Development Management – Comments received 4th July 2023. Officers requested additional information in respect of the on-street parking available to the front of the site, amended plans to ensure that sufficient off-street parking can be achieved within the site.

Officer note: Following receipt of revised plans showing the proposed garage widened and the reposition of a store to increase space for parking, alongside the submission of two parking surveys, the Council's Highways Officers conclude that whilst they accept that the proposal will result in the loss of on-street parking at a location where parking is at a premium, it is considered that there is sufficient parking available on the opposite side of Somerset Road to the north of the application site. The application does however still provide insufficient information as the disabled parking bay to the frontage of this site is not shown on plan. This should be shown with the location of the proposed driveway, if necessary, shown to be repositioned to allow this space to remain as existing.

Officer note: Following several discussions with Highway Safety Officers, Highways Officers have confirmed via email on the 15th January 2024 that they have no further objection to the proposals subject to a condition which requires the removal or re-siting of the disabled parking bay prior to occupation of the dwellinghouse. This view is also supported by the Council's Highways Safety team. As the matter of relocating/removing the 'informal' disabled parking bay would fall outside the remits of planning and this application, it is not considered reasonable to include a condition of this nature. However, an informative has been included highlighting the situation to the applicant and confirming that should the proposed access not be available following future discussions with highway officers the location of the point of access may need to be revised. This has been highlighted to the applicant's agent via email on the 30th January 2024.

KC Ecology Unit – Comments received 13th June 2023. No objections subject to a condition to ensure the development will achieve a biodiversity net gain.

Parish/Town Council

N/A.

Local Ward Members

None.

Representations

Final publicity date expired on:

Neighbour Letters – Expired 22nd June 2023.

10 objections have been received (2 of which are from the same objector, also 2 other objections are from the same person. Totalling in 10 objections from 8 different parties); these are summarised below.

- A similar scheme was previously withdrawn at this site.

Officer note: Noted.

- The dropped kerb to the front of the development would remove 3/4 car parking spaces adding to the problem with on-street parking in the area.

Officer note: Noted. The Council's Highways Team have been consulted on the proposals, their response can be found within the consultation responses and highway safety sections of this report.

- Concerns in regard to access and increase in traffic congestion and on-street parking.

Officer note: Noted. This is discussed in more detail within the highway's safety section of this report.

- Concerns in respect of overlooking, overshadowing and the loss of sunlight.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- A disabled parking bay has now been created which covers 50-60% of the land where the proposed driveway is to be located.

Officer note: Noted. This is discussed in more detail within the highway's safety section of this report.

- The scale, design and materials are out of character with the area.

Officer note: Noted. This is assessed in more detail within the visual amenity section of this report.

- The land would be more suitable for communal gardens or allotments.

Officer note: Noted. This application is assessed against the proposals put forward, on their own merits and the information presented within the application.

- No other properties on Somerset Road benefit from a garage/driveway like this.

Officer: Noted. However, similar off-street parking is provided further to the north of Somerset Road at nos. 132-138.

- Concerns in respect of traffic and access during construction works.

Officer note: Noted. The Council's Highways Team have been consulted on the proposals, their response can be found within the consultation responses and highway safety sections of this report.

- Concerns in respect of nesting birds and ecology.

Officer note: Noted. The Council's Ecologist was consulted on the proposals their comments are discussed in more detail within the biodiversity section of this report.

- Boundary hedges and fences were removed which were not discussed with either neighbours or given the legal two month written notice for doing so.

Officer note: Noted. As this would be a civil matter, this would need to be resolved outside of this planning application and therefore will not be further assessed within this report.

- The house is clearly designed to be a 4 bedroom house, and the large office could become a fifth bedroom.

Officer note: Noted.

- Property values of adjacent dwellings will be impacted by the proposals.

Officer note: Noted. Unfortunately, this is not considered to be a material planning consideration in this case and therefore will not be further assessed within this report.

- No engagement with local residents has been undertaken by the developer.

Officer note: Noted.

- Concerns over the proposed boundary treatment.

Officer note: Noted. This is discussed in more detail within the visual/residential sections of this report.

- Concerns over the rights of way into the land and access during the works.

Officer note: Noted. Unfortunately, this would be a civil matter that would need to be resolved outside of this current planning application.

- Concerns that the proposals will impact on the foundations of adjacent neighbouring properties and land stability.

Officer note: Noted. Unfortunately, this would not be a material planning consideration with any damage falling on the developer. This would therefore need to be dealt with outside of this application as a legal matter should any damage be incurred.

- The house is down to be used as multiple occupancy but will ultimately end up as student housing.

Officer note: Noted. The proposed use being sought would be that permitted by Class C3 of the Town and Country Planning (Use Classes Order) 1987 (as amended) and is the end use being assessed.

- No site notices have been posted outside the site.

Officer note: 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 only.

- This stretch of on-street parking is not only used by residents but also by employees of Donaldsons Vets up the road, and those wanting free parking visiting town.

Officer note: Noted.

- The submitted Climate Change Statement outlines that earth will be utilised as part of the landscape however, given the sheer volume of earth that will be removed it couldn't possibly all be used within the site.

Officer note: Noted.

- Within the garden tenancy agreement access is always required for Kirklees Council and British Telecom officials, the current application does not demonstrate any pathway to allow such access. The site is to be fenced off in its entirety.

Officer note: Noted. This would not be a material planning consideration and therefore would be a legal matter that would need to be resolved outside of this application.

- Within the planning application forms the applicant has ticked that there are no PROWs affected by the site this is incorrect. There is a right of access to the rear near no. 148's garage.

Officer note: Noted. Whilst there may be a right of access in this location, this is not a formal Public Right of Way and therefore the application forms are correct.

- The plans for the proposals show the garden all the way up to the garages, this is misleading as access is required at the rear of no. 148 and so this would reduce the size of the garden and mean that unrestricted access is required.

Officer note: Noted. The applicant has provided the formal title plan for this portion of land and the boundary line is immediately adjacent to the side of the garage to the rear. Officers therefore consider this to be correct.

- The bin collection route states that bins are to be stored within the garage, this would reduce the space within the garage for the parking of cars.

Officer note: Noted. The Council's Highways Officers have been consulted on the proposals, their comments can be found under the consultation responses and highway safety sections of this report.

- Trees and hedges were removed from the site prior to permission being granted with no tree survey undertaken. Causing a potential fire hazard.

Officer note: Noted. As there are no TPO trees on site and the site is not located within a Conservation Area the applicant was able to remove trees and hedges from the site without requiring permission from the Council.

2nd round of consultation – expiry date: 13th December 2023.

4 objections received (2 of which are from the same objector. Totalling in 4 representations from 3 different parties):

- The submitted plan shows the developers land extending up to the Council owned garages behind, this is not correct as there is an access way at the back which is not part of the developer's property. Granting this application as it is implying a change of use of that land which is incorrect.

Officer note: Noted. The applicant's agent has provided land registry documents via email on the 31st May 2023 which appear to outline their ownership of land abutting up to the garages to the rear of the site. Officers therefore have no concerns in respect of land ownership on this occasion.

- The developer has already felled all the existing trees and shrubs, this was done after the application stating that there were no trees affected.

Officer note: Noted. As there are no TPO trees on site and the site is not located within a Conservation Area the applicant was able to remove trees and hedges from the site without requiring permission from the Council.

- The plans show large areas of white rendered walls which are completely out of character with other houses in the area. If the development goes ahead, it should be in stone to match adjacent buildings.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- Residents in the area are very aware of landlords trying to convert houses into multiple occupancy dwellings such as student accommodation. There is nothing stopping the living room becoming a 5th bedroom.

Officer note: Noted. Planning permission is not required to convert a dwelling into student accommodation/HMO unless it is to be occupied by more than 6 people at any one time.

- The aesthetic of the house is not in line with the character of the road and takes away from the Victorian appearance of the rest of the street.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- How is the house going to be built with the limited space, where will materials be stored? How many parking spaces will be used by heavy machinery so that they can gain access to the site?

Officer note: Noted. The Council's Highways Officers have been consulted on the proposals, their comments can be found under the consultation responses and highway safety section of this report.

- It is noted that the plans indicate obscure glass on all the side elevations – this should be enforced otherwise the new property will have direct line of sight into neighbouring bedrooms.

Officer note: Noted. A condition to this effect is to be included should planning permission be granted.

- The trees which will be planted in the rear garden will grow very quickly blocking most of the sunlight from no. 148's garden area.

Officer note: Noted. However, the applicant could seek to plant trees in the location at present without permission from the Council and therefore it is not considered reasonable to request these additions to be removed. Should there be concerns moving forward this would be a civil matter that would need to be discussed with the future occupier of the property.

- The drawings have been amended to give extra light to no. 152 but what about the lack of light to 148 on the other side?

Officer note: Noted. Impact on no. 148 is discussed in more detail within the residential amenity section of this report.

- The proposals will remove 2 valuable parking spaces on the main road, whereby the area is already oversubscribed, and tensions are already high with regard to the parking spaces.

Officer note: Noted. The Council's Highways Officers have been consulted on the proposals, their comments can be found within the consultation responses and highways safety sections of this report.

- Storage of wheelie bins are shown to be inside the garage however, this will simply reduce the access to the garage preventing the keeping of 2 vehicles.

Officer note: Noted. The Council's Highways Officers have been consulted on the proposals, their comments can be found within the consultation responses and highways safety sections of this report.

- Bedroom 3 looks very small for a room, and it is located in the eaves, this looks like student accommodation.

Officer note: Noted. Bedroom 3 measures approximately 12.89sqm in size, and exceeds the technical requirements as outlined within the Nationally Described Space Standard for a double bedroom and therefore Officers have no concerns.

- Front driveway is still drawn over the disabled bay which covers at least 50% of the front of this property.

Officer note: Noted. As this would be a legal matter that needs to be resolved outside of this planning application a condition will be attached requiring this space to be relocated or removed prior to the occupation of the dwellinghouse.

- No details have been provided on how the developer proposes to manage the effect of removing significant amounts of earth within 2 metres of adjacent properties.

Officer note: As outlined within the National Planning Policy Framework, paragraph 190 states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer/land owner. Therefore, if there are any concerns in regards to land stability during construction this will need to be discussed between both landowners at that time.

- Concerns over the narrow driveway and restricted visibility when entering and exiting the site.

Officer note: Noted. The Council's Highways Officers have been consulted on the proposals, their comments can be found within the consultation responses and highways safety sections of this report.

- Why should this house get special treatment with parking outside their own home when no one else can.

Officer note: Noted. Each application is assessed on its own merits, and therefore should any subsequent applications be submitted for off-street parking at adjacent sites, Officers would undertake an assessment based on that individual case.

- There has been an issue with HMO's on this street with 3 or even 4 cars per house which is making parking difficult for residents.

Officer note: Noted. The Council's Highways Officers have been consulted on the proposals, their comments can be found under the consultation responses and highway safety sections of this report.

Officer note: As noted previously, 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 only, details of which are outlined above.

Planning Policy Background

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 application site is located within a Bat Alert Area.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

Other Guidance Documents

- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide SPD (2019)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 19th December 2023, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-design places

- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 – Principle of Development:

1.1 – Sustainable Development

NPPF paragraph 11 and Policy LP1 of the Kirklees Local Plan 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 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 (5YLS) against their housing requirement.

The NPPF (para 76) states 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 are 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 2024 an application will be dealt with on its individual merits as the tilted balance does not currently apply as a result of the changes to the NPPF.

From 28th Feb 2024 – The revised (para 77) states Local Planning Authorities should identify a minimum of 5 YLS against the housing requirement in the circumstances where an adopted plan is more than 5 years old. At this point in time, the Council will not have a 5 YLS. At that point the 'presumption in

favour of sustainable development' will need to be applied for the purposes of decision making.

The judgement in this case is set out in the officer's assessment below.

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

As the application site measures 205sqm, it is deemed that the site would be capable of providing one dwelling based on the above figures. The proposals are therefore considered to be in accordance with LP7 of the Kirklees Local Plan.

In terms of housing delivery / density it is considered that the proposal would contribute to the housing stock within the district and is in a location which is accessible to a number of nearby settlements and Huddersfield Town Centre. It is therefore concluded that the proposal is acceptable in this regard.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principle 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 135 of the NPPF is of relevance, in particular the following parts: -

'b) Planning policies and decision 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 the development in the local area, thus retaining a sense of local identity.

Policy LP11 of the KLP sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design to contribute to creating mixed and balanced communities.

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

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

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 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 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.

Regarding the layout and siting of the proposed dwelling, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and be designed to front onto the street.

The application site is surrounded by residential dwellings in all directions, with properties typically comprising of two-storey terraced/semi-detached dwellings. Materials of construction include stone, pebbledash and render with a mixture of roof slates which vary in design and colour.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

The proposals seek to utilise a pitched roof which is reflective of adjacent neighbouring property no. 148, as well as many other dwellings within the vicinity. The ridge of the dwelling is to be set approximately 0.7m below the ridge height of no. 152 and approximately 0.2m above the ridge of no. 148. As the existing dwellings do benefit from a stepped appearance when looking up Somerset Road (to the north), Officers consider that this small increase in ridge height is visually sympathetic to the context of the site and surrounding area. Also of note, a small dormer window is proposed to the front, with 2 other dormers shown on the rear roof slope. Small dormers are not uncommon with the area and therefore they are not considered to appear as alien features within the streetscene. Officers deem the proposals to accord with Principle 15 of the above SPD.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

In terms of the proposed windows and doors, the dwelling appears to incorporate a mix of sizes and designs between those found within adjacent properties no. 148 and 152. Nonetheless, the windows and doors do appear balanced and well positioned to ensure that local character and styles are integrated, with the use of stone surrounds to incorporate some traditional features.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

The dwelling is to be constructed using natural stone, with natural stone surrounds, white render and a natural grey slate roof. Grey cladding is also proposed to the dormer windows. Whilst Officers acknowledge that the use of render is not prominent within the immediate street scene, it can be viewed on dwellings further down Somerset Road and therefore is not an entirely alien concept. Nonetheless, the proposed render is to be located on the rear elevation of the property and partially to the side elevations, with the use of natural stone being the prominent material used. Render is also noticeable to the rear of the properties located on Templar Drive which back on to the application site. Given the limited views of these elements of the dwelling and the materials used within adjacent properties, Officers considered that this proposed material and finish would be appropriate on this occasion.

Taking the above into consideration, these materials are considered to be sympathetic and reflective of materials found within the immediate area. However, should planning permission be granted a condition is to be imposed which requires the submission of samples/details of the proposed stone, render and slate, as well as the grey cladding proposed within the dormer windows, prior to their use, this is in the interests of visual amenity.

In terms of the proposed boundary treatments at the site, to the front of the property the existing stone boundary wall is to be partially re-built around the new access, with a 1.8m high timber fence proposed around the north, south

and western boundaries. Officers acknowledge that objections have been received in respect of the proposed boundary treatment however, timber fences and stone boundary walls are prominent within this location and therefore in respect of visual amenity Officers have no concerns with regards to the boundary treatments proposed in this instance.

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. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. The proposals in this instance would provide a rear garden area of around 7.1m in length, with some soft landscaping provided to the front. This arrangement is not entirely uncommon along Somerset Road whereby due to the differences in land levels, front garden areas are not typically flat and useable and therefore are primarily landscaped. Officers therefore consider that the amount of garden space and its location is acceptable in relation to the scale and size of the proposed dwelling and the context of the area. In addition, given the orientation of the dwelling and its amenity areas it will benefit from some sunlight throughout the day and therefore it is considered that the proposed amenity space would meet the requirements of Principle 17 of the Housebuilders Design Guide SPD.

Taking the above into consideration, Officers consider it reasonable and necessary to remove permitted development rights for the provision of extensions, ancillary buildings and alterations to the roof of the dwelling hereby approved. This is to ensure that the site does not appear overdeveloped, or result in a design which is incongruous to adjacent properties located within the immediate vicinity.

In conclusion, the proposals are considered to be appropriate in size and scale in this location, and that they would not appear out of character or overly dominant in the general context of this site. On this basis, the proposals are considered to accord with the requirements of Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and Principles 2, 5, 6, 13, 14, 15 and 17 of the Housebuilders Design Guide SPD.

3 – Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

‘Proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary’.

Principle 6 of the Housebuilders Design Guide SPD highlights 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 a 2m distance from the side wall of the new dwelling to a shared boundary. In this instance a 2m+ separation distance would not be provided to the northern and southern boundaries of the site, with a distance of 1.5m provided to the south and 1m to the north. Whilst this would not be in line with the requirements of Principle 6, Officers consider the proposals on balance, to be acceptable in this location as this level of separation is not uncommon between adjacent properties within the area. Any impacts on residential amenity of adjacent properties is discussed below.

Further to this, Paragraph 135 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.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on nos. 105 & 107 Somerset Road

These neighbouring dwellings are located to the east of the application site, on the opposite side of Somerset Road, approximately 21m away. Given the large separation distances and orientation of these dwellings to the application site, Officers have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing on these neighbouring properties on this occasion.

Impact on no. 152 Somerset Road

This neighbouring property is located to the south of the application site, approximately 1.5m away (when measured from the side elevation of the proposed dwelling to the side elevation of the attached single storey garage, separation distances measure approx. 4.2m when measured to the side elevation of the main dwelling of no. 152). Whilst it is acknowledged that several windows are proposed within the southern elevation of the proposed dwelling, these windows are to provide light into non habitable rooms and are shown to be obscurely glazed. This will also be supported via a condition and therefore Officers have no concerns in regard to overlooking or the loss of privacy.

The proposed dwelling is to be in line with the front elevation of no. 152, and although the proposed dwelling is to extend out past the rear elevation of this neighbouring property by approx. 3.5m, the southernmost part of the dwelling relates to a single storey element measuring approximately 3.6m in height, and therefore Officers do not consider the proposals to appear overbearing or overly dominant on this occasion. In addition, given that the property is to be set below the ridge of no. 152 by approximately 0.7m, Officers do not consider the new dwelling would appear overbearing or overly dominant in this location. Finally, in regard to overshadowing, given this property's southern orientation Officers have no concerns in regards to shadowing or the loss of light in this instance.

Impact on no. 148 Somerset Road

This neighbouring property is located to the north of the application site, approximately 2m away. Whilst it is acknowledged that several windows are proposed within the northern elevation of the proposed dwelling, these windows are to provide light into non habitable rooms and are shown to be obscurely glazed. This will also be supported via a condition and therefore Officers have no concerns in regard to overlooking or the loss of privacy. In terms of the proposals appearing overbearing, the proposed dwelling is to be in line with the front and rear elevations of no. 148, and whilst it is acknowledged that the proposed dwelling would be around 0.2m higher than no. 148, this is not considered to be excessive, and given that there is only one small non-habitable window within the southern elevation of this neighbouring property, Officers have no concerns in terms of it being overly dominant on habitable room windows. Finally, in terms of shadowing, Officers acknowledge that shadowing will arise from the proposed new dwelling, nevertheless, this would not be for prolonged periods of the day and would not overshadow habitable room windows or large portions of the garden/amenity space at any one time.

Whilst it is acknowledged that some concerns have been raised during the consultation process in respect of the proposed boundary treatments Officers consider the submitted details to be acceptable from a residential amenity perspective given that the 1.8m high timber fence is deemed to be of a reasonable height to provide privacy for both future occupiers and neighbouring properties, with these types of structures not being out of character within the immediate area. In addition, the proposed re-building of the existing stone wall to the front of the site is welcomed to allow for off-street parking space to be provided. The proposed planting suggested within the gabion baskets are also considered to soften features that are required to enable a safe development to be undertaken.

To ensure that any future amendments to the proposed dwelling will not result in any overbearing or overshadowing impacts on adjacent neighbouring properties it is considered reasonable to remove permitted development rights for outbuildings and extensions and alterations to the new dwelling in the interests of residential amenity. A condition to that effect will be included should planning permission be granted.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house builders design guide SPD.

Amenity of future occupiers of the proposed dwellings

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 the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least 1 window. Officers therefore consider the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.

Moving on to 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. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. Dwellings on Somerset Road typically have amenity areas to both the front and rear, many of which are small in scale and size and rectangular in shape. In this instance the proposed dwelling would provide garden/amenity areas to the rear of the property which is to be of a similar size and shape to its adjacent neighbours, nevertheless it is acknowledged that the property would not benefit from a useable amenity space to the front however, this is due to the creation of the new driveway and garage to allow for suitable off-street parking. Soft landscaping is however proposed to the front. On balance, Officers consider that the landscaped areas proposed would have a similar relationship to some of the adjacent properties, this is due to the changes in land levels whereby amenity spaces to the front of some of the other dwellings on Somerset Road are sloped and somewhat unusable for recreation, therefore Officers raise no concerns on this occasion. In terms of the orientation of the garden, this is deemed to be acceptable as it would have access to direct sunlight for part of the day and would have enough external space for the previously discussed domestic activities. For the above reasons the proposals are therefore considered to be in accordance with Policy LP24 of the KLP, Chapter 12 of the NPPF and Principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

4 – Impact on Highway Safety:

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide

sufficient parking. Paragraph 115 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.

In terms of parking provision, the Kirklees Highways Design Guide outlines that Kirklees Council has not set local parking standards but notes that as an initial point of reference for residential development, 4 bedroomed dwellings should provide 3 off street parking spaces. In this case the proposed dwelling would provide 3 off-street parking spaces within the integral double garage and within the driveway to the front of the property and therefore would be in accordance with the above recommendations. However, it is considered reasonable and necessary to include a condition which restricts the use of the garage to anything other than the parking of vehicles incidental to the dwelling, this is to ensure that sufficient and safe off-street parking can be provided within the site in the interests of highway safety.

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. Taking into consideration Principle 12 the proposed parking is to be located within the integral garage and to the front of the dwelling within the proposed driveway. Whilst not in line with the above guidance, examples of this layout can be found throughout Somerset Road and therefore would not appear as an incongruous or overly dominant addition to the streetscene. The location of these spaces is therefore deemed to be acceptable in this instance. Furthermore, there would be areas of soft landscaping provided to the front and the front amenity space would not be solely dominated by hard standing.

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. In this instance no details are provided in respect of bin storage however, it is considered reasonable that bins could be stored within the amenity space to the front, and that sufficient space has been provided for such facilities. Collection points are also shown to the front of the site within the driveway area, of which the Council's Highways team have not objected.

Also of note, it is acknowledged that during the planning application process an 'informal' disabled parking bay has been outlined to the front of the application site, directly in front of the proposed access. During several discussions with highways officers and the applicant's agent it has been concluded (as outlined within an email from the Highways Safety team on the 28th June 2023) that at the time of the application for the disabled parking bay, the previous planning application had been withdrawn and therefore the bay was provided. Within this email it is advised that should planning officers recommend approval of the application, the relocation/removal of the disabled bay will be revisited.

Taking the above into account, as the inclusion of this 'informal' parking bay would fall outside the remits of planning and would result in a legal matter should planning permission be granted, Officers do not consider the location

of this parking bay to be of detriment to the current application. However, Officers would stress that should planning permission be granted and it comes to light that the 'informal' disabled parking bay cannot be relocated/removed and therefore the 'approved' access cannot be utilised as a safe and accessible point, the applicant will be required to demonstrate an alternative.

In this case a suggested alternative location of the access to the site was put forward to the applicants' agent. The suggestion being to move the point of access further north, to allow for the access of a vehicle into the site adjacent to the existing disabled bay. Amended plans on the basis of this suggested amendment were not forthcoming, on the basis that upon the grant of planning permission it would be the intention to undergo the process with the Council's highways Safety Team to relocate the disabled bay.

In this case, it is considered that an appropriate solution exists whereby a condition of any grant of permission requires that a scheme detailing the point of access be submitted to, and approved in writing by, the LPA which sets out the access arrangements to the site. This would allow for planning permission to be granted and the potential to re locate the point of access into the site if it was necessary to do so (with the alternative event being that the disabled bay to the front of the access being removed and/or re sited). As such it is considered that, having due regard to the fact the Council has a general duty under section 149 Equality Act 2010 to eliminating conduct that is prohibited by the Act, in this case the granting of permission would not restrict / detrimentally impact accessibility issues in relation to the disabled bay subject to inclusion of the recommended condition.

Whilst it is noted the access shown on the submitted plan is to the centre of the site frontage, it is considered that in practice parking would take place either side of the access such that re siting the access at another point of the site frontage would not have a significantly different impact and there remains a potential alternative in this case to allow access into the site and the parking bay to remain.

It is therefore considered that, subject to conditions, the scheme would not represent additional harm in terms of highway safety to such an extent as to warrant refusal and as such complies with Local Plan Policies LP21 and LP22 of the KLD, Chapter 9 of the National Planning Policy Framework, guidance contained within the Highways Design Guide SPD and Principle 12 of the Housebuilders Design Guide SPD.

5 – Other Matters:

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.

The applicant has submitted a Climate Change Statement alongside the application, this statement outlines that they will reduce the amount of earth to be removed from the site by utilising it as part of the landscaping, and that they will retain/re-use as much of the existing stone wall on Somerset Road as possible. Also, as a minimum the proposed dwelling would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building. Given the above it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

Biodiversity

Paragraphs 180, 185, 186 and 187 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.

The application site is located within a bat alert area and therefore the Council's Ecology Officer was consulted. They raised no objections to the scheme as the proposed development will have minimal ecological impact. A condition is recommended however for the installation of a bat box, in the interests of achieving a biodiversity net gain. Subject to the above condition, the proposal is considered to accord with Policy LP30 of the Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 9 of the Housebuilders Design Guide SPD.

There are no other matters for consideration.

Land Stability

Policy LP53 of the Kirklees Local Plan and paragraphs 180 and 189 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The proposal would see a level of excavation that would need to be undertaken to accommodate the development. The site is not within an area known to be affected by land stability issues, and a coal risk low zone.

Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

In this case, whilst the applicant / developer would need to satisfy themselves the development can be undertaken in a safe and appropriate manner which does not affect land stability it is considered it is not necessary or reasonable of the LPA to insist upon further details / information in this regard as part of this application having regard to the requirements of separate legislation.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation – Delegated Powers

Application Number: 2023/91327

Officer Recommendation: Approve.

Conditions and Reasons:

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 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 to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework and Principles 2,

5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide Supplementary Planning Document.

3. Notwithstanding the approved plans and information, 1 new bat box similar to the Schwegler 1WI Bat Box, shall be installed integral to the new dwelling during the period of construction on the southern (side) elevation, at least 7m above ground level and not directly above any doors or windows. Thereafter the bat box shall be retained.

Reason: To provide an enhancement to biodiversity in line with LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 9 of the Housebuilders Design Guide SPD.

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 14 of the National Planning Policy Framework.

5. 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 AA, A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved 'Existing Site Plan' drawing no. MIL-001-01 Rev P01, received 5th May 2023 without the prior written consent of the Local Planning Authority.

Reason: To avoid any future alterations which may lead to impacts upon adjacent neighbouring properties in respect of overshadowing and appearing overbearing in nature, as well as future amendments having the potential to 'dilute' the overall appearance of the dwelling hereby approved or result in overdevelopment of the site. To accord with Policies LP24 of the Kirklees Local Plan, Principles 2 and 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

6. Windows located within the northern and southern elevations (side) of the dwelling hereby approved shall all be fitted with obscure glazing minimum grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the windows shall thereafter be so retained obscurely glazed.

Reason: To protect the amenity of adjacent neighbouring properties, in accordance with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide Supplementary Planning Document.

7. A scheme detailing the external materials to be used in the construction of the dormer windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above first floor level. The development hereby approved shall not be brought into use until it is completed in accordance with the approved scheme which shall be retained thereafter.

Reason: In the interests of visual amenity and to ensure that the materials of construction are appropriate to the site and the wider context and to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

8. Notwithstanding the plans submitted, a scheme detailing the external materials of construction of development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority prior to the construction of the building above slab level. The submitted scheme shall include details of the natural stone, white render and natural grey slate roofing tile to be used, as well as all the colour finish of all rainwater goods, doors and windows. The areas of the dwelling where natural stone and render is intended to be used shall be accurately demonstrated. The development hereby approved shall not be brought into use until it is completed in accordance with the approved scheme which shall be retained thereafter.

Reason: In the interests of visual amenity and to ensure that the materials of construction are appropriate to the site and the wider context and to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

9. The integral garage shown within the dwelling hereby approved, shall not be used for any purpose other than the parking of vehicles incidental to the dwelling to which they hereby relate.

Reason: To ensure that sufficient off-street parking is provided for future occupiers and to accord with Policy LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principle 12 of the Council's adopted Housebuilders Design Guide SPD.

10. Notwithstanding the details of access to the site from Somerset Road shown on approved landscape plan ref MIL-001-05 P04, the point of access to Somerset Road is not approved. Before any dropped crossing is formed into the site from Somerset Road, and before first occupation of the dwelling, a revised scheme shall be submitted to, and approved in writing by, the Local Planning Authority which details the

point of access into the site. The development shall not be brought into use until the approved scheme has been completed which shall be retained thereafter.

Reason: To ensure that access into the site can be provided to accord with Policy LP21 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework, and Principle 12 of the Council's adopted Housebuilders Design Guide SPD.

NOTE: In relation to condition 10, the 'informal' disabled parking bay along Somerset Road to the front of the site would need to be demonstrably relocated / removed or an alternative point of access demonstrated. This is to ensure that a suitable and safe access can be provided to the dwelling hereby approved and having due regard to the Equality Act 2010.

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 (Kirklees Street Scene: 01484 221000) regarding 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: The applicant / developer's attention is drawn to the requirements of Paragraph 184 of the National Planning Policy Framework which states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Existing Site Plan	MIL-001-01	P01	5 th May 2023
Existing Site Plan	MIL-001-02	P01	5 th May 2023
Proposed GA Plans	MIL-001-03	P04	18 th November 2023
Proposed Elevations	MIL-001-04	P04	18 th November 2023
Proposed Landscape Plan	MIL-001-05	P04	18 th November 2023
Proposed Street Elevations	MIL-001-06	P02	23 rd May 2023
Parking Response Supporting Information	-	-	10 th July 2023
Climate Change Statement	-	-	17 th May 2023

Supporting Information			
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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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments and additional information have been requested following on from consultation responses received from highways, to ensure that a safe access can be gained from Somerset Road, with sufficient off-street parking provided within the site. In addition, Officers requested further amendments and information to be submitted in respect of the details of design, scale and landscaping at the property in the interests of visual and residential amenity. In respect of the 'informal' disabled parking bay located to the front of the application site, the applicant's agent has been informed via email on the 30th January 2024 that this would need to be relocated/removed outside of this planning application and should this not be able to be undertaken a change in the point of access required.

Report Dated: 30th January 2024.