

**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:	2023/60/91963/W
Site Address:	Land Adj, 6, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP
Description:	Outline application for erection of detached dwelling
Recommending Officer:	Tom Hunt

DECISION – REFUSED

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

John Holmes

AUTHORISED OFFICER

Date: 05-Oct-2023

Officer Report

Site Description

2023/91963 – Land Adj, 6, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP

The site is a rectangular area of land located off Reinwood Avenue situated between two pairs of semi-detached properties to its northwest and southeast. The site is situated on a gently sloping ground level falling from northwest to southeast with the northwest properties appearing more prominent than the southeast properties. The site is approximately 369sqm in size. Its existing use is as garden and driveway with single-storey detached garage for no. 6 Reinwood Avenue.

The streetscene consists of two-storey, semi-detached, residential properties with a prevailing material palette of natural stone, render and a mixture of roofing materials. The properties either flank side of the proposed dwellinghouse are in arts and crafts architectural styles with prominent gable front features and low eaved, steeply pitched, side gable roofs using red tile. No.s 2 and 4 have a strong group value with consistent white roughcast render appearance and red roofs and No.s 6 and 8 have a more divergent appearance unified by use of neutral/buff coloured render. The size, scale and roofing forms however remain consistent. The properties to the northeast and northwest side of the road enjoy a strong sense of openness with generous side gardens/property gaps to flank boundaries providing a pleasant expanse of greenery supported by the Urban Greenspace (UGS) designated land to their rear.

Until recently the streetscene had a very strong mixed boundary of approximately 1m height from ground hedging, fencing and stone walls providing a pleasant sense of enclosure and defined spaces; the development of no. 6 and its adjacent garden space removing those boundary features has eroded this pleasant sense of openness with hard surfacing and loss of green landscaping. Nonetheless, considering the streetscene, eras of development are clearly distinguished by attractive groupings of architectural styles and materials, i.e., the side gable roofed, semi-detached, chalet style properties to the 'top' of the street with their flat roofed, front dormers and the semi-detached, properties with prominent double height bay window features built with natural stone with hipped grey tile roofs. Local properties have in the main sought to minimise hard surfacing by siting driveways to the side with attractive soft landscaping.

Description of Proposal

The application seeks outline planning permission for the erection of detached dwelling with access, scale and layout to be considered. Matters relating to appearance and landscaping are reserved.

The submission is supported by a Location Plan, Proposed and Existing Block Plans, and a Design and Access Assessment. It was later supported by a Streetscene Elevation Plan showing the relationship between No. 6 and the proposed development to consider the impact of the scale of the development proposal on visual amenity and the impact on the neighbouring properties (residential amenity).

There would be an additional 3-bedroom detached property on the site. Foul and surface water is to be drained by mains sewer. Two parking spaces are set out to the front for both properties (no.6 and the proposed); the site proposes a mainly hard surfaced front amenity space, does not set out a bin storage location and sets out a garden area to the rear with retained outside access from the highway. The footprint is approximately 88.8sqm metres by area and it is proposed to be two storeys in height. The submitted streetscene elevation plan suggests that this would be 8.4m in height with eaves 5.45m in height from ground level. This would be compared with an approximate 9m roof ridge height and 2.8m eaves height from ground level of the adjacent property which is included on the submitted street scene plan.

Officer Note: Drawing no. 0.3 incorrectly states the scale is set out as 1:200 however it is 1:50. This would correspond with drawing no. 01.

History of negotiations/amendments received

Additional detail in relation to scale was requested by Officers to assess impact on visual amenity, residential amenity and the relationship between neighbouring properties. This is discussed in greater length within the 'Assessment' section of this report.

Relevant Planning History

2023/90524 – No. 6 Reinwood Avenue
Erection of single storey extension to rear and engineering works to form retaining wall and garden area and cladding to external rear wall of dwelling (retrospective)
Approved.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015). The application has been publicised by letter to neighbouring properties. One representation have been received.

Final publicity date: 16/08/2023

Comments are summarised below:

- Local Character harm/overdevelopment – development within the plot size would not sympathetically respect or enhance the locality, appearing cramped within a low-density residential area known for its spaciousness.
- Property gap to boundary – would breach recommended separation distances in Housebuilders Design Guide SPD

Officer Note: Layout is reviewed in the Visual Amenity section of this report.

- The site had been prepared in advance for the development and retrospective planning approval have not been completed (application ref: 2023/90524) harming the visual amenity of the area.

Officer Note: The applicants have materially started undertaking the permission and there is no requirement for development to be completed by a certain date.

- Loss of views

Officer Note: This is not a planning material consideration to which significant weight could be afforded in this case

- Parking – proposed provision would lead to a visually dull and vehicular dominant streetscape

Officer Note: Access and Layout are matters to be considered within the assessment and are reflected upon within the Visual Amenity and Highway sections of the report as follows.

- Scale – the proposed would result in a significant form of massing and appear dominating in relation to its neighbours
- Overbearing
- Overshadowing to rear garden
- Overlooking

Officer note: Whilst the application is outline only with some matters reserved, those considerations will be evaluated in the following Visual Amenity and Residential Amenity sections of this report.

- Trees – the street tree to the front of the site would be harmed
- Appearance – the appearance of the development would appear out of keeping with its neighbours
- Drainage impacts
- Heat pumps – insufficient detail for heat pumps impact on noise or location

Officer note: Noted. As the application is submitted in outline only, with all other matters to be assessed through a reserved matters application, the plans as submitted are indicative only and provide limited information with respect to appearance. Trees, Drainage and impact from Heat Pumps is addressed within Assessment section of the following report.

Consultation Responses

None

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 site is within a low Coal Risk Area for development and is not within a high probability area for flooding. It is within the bat alert layer and nearby to important habitats for wildlife designated as Urban Greenspace designated land (UGS) and Kirklees Wildlife Habitat Networks.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Planning Policy:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 5th September 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-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

The Town & Country Planning Act 1990 (as amended).

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

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

1- Principle of Development:

NPPF paragraph 11 and Policy 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 this proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

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

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

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

Housing supply

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

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless:*

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or*

- (ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*"

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal.

Chapter 5 of the NPPF clearly identifies that Local Planning Authorities should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Of relevance to this application site, 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. Policy LP7 of the Kirklees Local Plan states that Officers should encourage the efficient use of previously developed land (PDL) in sustainable locations provided that it is not of high environmental value. The site – a garden plot, with a small area of hardstanding and with a single-storey detached garage – is adjacent to UGS land and nearby to Kirklees Wildlife Habitat Networks however would not be considered to be of high environmental value despite being PDL.

It is noted that the application site proposing one dwelling could make a minor contribution to the housing supply in the district, although the Local Planning Authority cannot demonstrate a five-year land supply, there remains some key considerations to be accounted for.

One such consideration following this is the density of the development. Policy generally seeks to support residential development upon unallocated sites. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. However, Policy LP7c) states this target should be 'where appropriate' and in the policy justification set out in para 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. In this case the site is approx. 369sq.m or 0.0369ha which provides a housing density of 27 dwellings per hectare.

This would be under the desired target however the locality is characterised by a low-medium density development area of residential nature. As such, to achieve a higher residential density would likely lead to a development which

appears out of character in its setting and it is therefore considered the proposed density is acceptable in this case.

Taking the above into consideration, reflecting on whether the application site may be sustainable despite the relatively low density, it is located approximately 400m (as the crow flies) to New Hey Road/Acre Street Local Centre within comfortable walking distance and is close to frequent public transport links along Reinwood Road. The site reusing PDL could be considered to be a sustainable site with access to services / amenities and public transport links.

The principle of residential development on this unallocated site could potentially be acceptable, however the provision of housing needs to be balanced against all material planning considerations. The judgement for application, where applicable, will be set out in the officers' assessment.

2 – Impact on Visual Amenity:

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

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

In addition, the 'Housebuilders Design Guide SPD' and Kirklees Local Plan policies LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity and character.

LP24 states that proposals should promote good design by ensuring:

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

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

Paragraph 129 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 134 of the NPPF outlines 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, i.e., Housebuilders Design Guide SPD.

Therefore the following principles in the Guide need to be considered, however some of these could only be fully assessed at reserved matters stage:

- Principle 2 – residential developments will respect and enhance local character, taking cues from the built and natural environment, creating a positive coherent identity and utilising landscape opportunities.
- Principle 5 - Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, enable important views to be maintained to provide a sense of place and protect amenity.
- Principle 7 – integrate green infrastructure and accessible open space
- Principle 8 – Ensure that new developments transition from urban to open land appropriately.
- Principle 9 – ensure that biodiversity net gain is achieved.
- Principle 10 – site layouts ensure effective connections to existing walking and cycling links.
- Principle 12 – ensure that appropriate parking is provided for the development that is well designed and do not have cars and hard-surfacing as dominant features in the streetscene.
- Principle 13 – use appropriate materials of construction.
- Principle 14 – windows/doors is expected to relate well to the local character in style and materials
- Principle 15 – ensure that rooflines relate well to a site’s context.
- Principle 17 – ensure that new dwellings have access to private outdoor space that is functional and proportionate to the size of dwelling and the character of the local area.
- Principle 18 – proposal should consider how they will contribute to the Councils ambition to have net zero carbon emissions by 2038.
- Principle 19 – details of waste storage and recycling must be incorporated into the design of schemes.

This is an outline application with some matters reserved (i.e., appearance and landscaping), under such application officers have to consider whether residential development on the site could be achieved without causing detrimental harm to the character and appearance of the area. With regards to design, matters of access, layout and scale, only limited indicative detail has been provided for comment, but as noted above, Officers are considering whether the principle of any residential development at the site could be acceptable.

The application site which is associated with no. 6, appears of a proportionate size to its closely neighbouring properties at no.s 8A and 8’s curtilage and is adjacent to a cornerplot site which contains a semi-detached property appearing to have large grounds. This openness contrasts with the southwest side of the avenue which has property/garden curtilages of a narrower and less generous grounds. The proposal would have the subdivision of no. 6’s curtilage to have a plot that would appear to have no. 6 being viewed as being in a cramped and narrow plot layout in contrast to the existing arrangement; the application site would appear more generous in width and plot size. This

arrangement would appear to introduce an incongruous layout in the streetscene with the original host appearing cramped in character and appearance and losing its pleasant openness afforded by its side garden/generous property gap to flank boundary. This would have a scheme relating poorly to its neighbouring properties' generous curtilage and detrimentally affecting the streetscene's established character in relation to openness, landscaping and views of the UGS land contrary to Principle 2.

The indicative layout suggests that the property's placement and building line is situated to broadly strike a balance between no. 4 and no. 6's building lines to the front, however the proposed layout would have a two-storey gable front projection be forward of no. 6's creating a prominent protrusion. In addition, the application site is likely to be strongly read in conjunction with the building line of its northwest semi-detached neighbours (no.s 6 and 8) rather than its southeast neighbours (no.s 2 and 4) due to those being positioned rotated facing southeast from the application site's southwest primary elevation. This would not aid in a coherent development forward of no.s 6 and 8 and be contrary to Principle 5 of the Housebuilders Design Guide SPD. This could be rearranged to be set back in line with no.s 6 and 8 with a visually interesting variety of elevational depths to aid integration in the streetscene.

Given the width of the site and the building line, this would limit parking to the front which could lead to a visually dominated front amenity area given over to vehicular clutter and hard surfacing contrary to Principle 12 of the Housebuilders Design Guide SPD. Predominately the locality has parking arrangements as a secondary design feature in the streetscene, with driveways to the side with attractive landscaped front amenity areas and low boundary treatments to soften the featureless hardsurfacing and to provide a balanced visual sense of openness and closure. The application site with a set back building line has the potential to offer a much more integrated layout design with its locality. The introduction of a landscaped front amenity area with a low boundary treatment using natural stone, timber fencing or hedging, and two parking spaces with limited access to one side of the front of the development site would serve as a preferred layout option. Officers consider siting the vehicular access, preferably to the southeast, would break up the harsh and featureless front hardsurfaced parking area of no. 6 and being set ~33m from the junction of Reinwood Avenue and Reinwood Road could still provide an adequate assurance that vehicular or pedestrian traffic would not be inordinately affected for highway safety whilst balancing the equally important consideration of preserving or enhancing visual amenity. This amendment would visually appear less car dominated and could comply with the aforementioned Principle satisfactorily. The amended and enhanced boundary treatment with soft landscaping would also serve to visually connect the front amenity layout with the existing character of the streetscene compliant with Principle 5 of the SPD. Whilst landscaping is a reserved matter, Officers still have to consider whether the design of access is optimally arranged and in this instance, the current design would not be supported for visual amenity.

The indicative layout showing the relationship of the dwelling to the site boundary shows the dwelling having a footprint of ~88.8sqm. It would have its

primary elevation set back ranging 6.6-8.6m from the pavement, northwest elevation set back 2.15m from shared boundary with no. 6 and southeast elevation set back a minimum of 5.5m-1.6m from the boundary with no. 4 with an adequately proportionate garden area to the northeast.

Principle 6 provides guidance to Officers setting out that:

“Space about buildings can also make a positive contribution to local character and street scenes. Normally new build developments 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 scale of the dwellings.”

In isolation, the layout has the potential to be more sensitively set out to comply more fully with Principle 6 setting out an expected minimum 2m distance of the flank elevation of the property to a shared flank boundary. Considering the existing pleasant and green character and appearance of the streetscene, the proposal's merits, even after being amended to comply strictly with Principle 6's 2m gap to boundary requirement, would fail to appear integrated or proportionate when viewed against the broader locality.

The proposal seeks to have a detached property in between two semi-detached pairs and within a streetscene consisting solely of semi-detached properties, as such it would appear as a standalone feature that would not sympathetically integrate with surrounding development in the locality. In addition, it would not have the generous property gaps to boundary serving to retain the established sense of openness within the townscape and to aid in an integrated and cohesive design. This would fail to provide a positive and coherent identity appearing contrary to Principle 2 and 6 of the SPD.

It is acknowledged that all matters are reserved including appearance, scale, layout and landscaping. Indicative detail was provided in terms of an incomplete streetscene elevation plan which poorly showed the application site's relationship between no. 4 and no. 6, it demonstrated that a proposed detached, two-storey dwellinghouse would be lower in height than no. 6 and set within lower ground would also appear visually less dominant in height than this neighbour. It would have a dwellinghouse of moderately greater width to this neighbour in isolation, however this would be situated in a streetscene of semi-detached properties appearing as an isolated form of piecemeal development poorly connected to its setting. This would be further enhanced by the appearance of a conventionally proportioned modern property which does not reference the arts and crafts architectural style of the flank neighbours. As referenced previously, there is a strong sense of waves of architectural styles being grouped visually and the current proposal fails to retain this strong sense of character and identity. This impression is further enhanced by the fenestration and roofing style being out of keeping with its neighbours' contrary to Principles 2,14 and 15 of the SPD. Notwithstanding the above, the fundamental concerns of Officers in the harms of creating incongruous additions to the streetscene to create properties within cramped plots, poor

relationships to the streetscene's character and appearance with the loss of openness detracts from the development's potential to be suitably integrated and contributing positively to the local character and identity of the Streetscene.

In conclusion, it is considered that the proposal would significantly harm the character and appearance of the area. Consequently, it would conflict with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, adopted 2019. In summary, these policies seek to deliver sustainable development and to protect and enhance local character amongst other matters. The proposal would not adhere to the advice in Principles 2, 5, 6 and 12 of the Housebuilders Design Guide Supplementary Planning Document (the SPD) which advise that buildings should have a coherent and harmonious appearance within the streetscene, have a sufficient property gap to boundaries to assist in openness and to avoid the hard surfacing and parking of vehicles over-dominating the streetscene. The proposal is also concluded to conflict with policies within Chapter 12 of the National Planning Policy Framework (the Framework).

3 – Impact on Residential Amenity:

Sections B and C of LP24 state that alterations to existing buildings should:

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

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

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 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.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below. Consideration will also need to be given to the amenities of the occupiers of the proposed dwelling.

Indicative drawings of the detached, two-storey dwellinghouse do not have side elevation windows and the building would end forward of the main two-storey rear elevations of both flank neighbours with restricted views of the

neighbouring rear garden boundaries. The front elevation would have a separation distance of ~25m to no.s 7 and 9, meeting the aims of Principle 6 in this regard. As such, the avoidance of significant impacts on overlooking or loss of privacy would appear to be satisfactory.

Overshadowing and overbearing to no.s 7 and 9 would be suitably avoided due to the aforementioned separation distance.

With this proposal, future occupants of no. 6 could be affected by the impact on residential amenity. The potential to impact to no. 6 may be reasonably avoided by the proposed 2.1m separation distance to the shared boundary and the 4m separation distance between flank elevations; in addition, the reduced ground level of the application site in relation to no. 6 may mitigate against this overbearing impact. There are multiple window openings to no. 6's flank elevation over three storeys, records do not show the first or second floor room uses to determine fully whether those windows are non-habitable which could potentially lead to loss of outlook. In this respect, it appears these windows are serving either non habitable rooms or the main windows to the front and rear of the host property. In addition, as no.6 is within the same ownership of the applicant there is the ability (in the event of any approval) for condition(s) to be included upon any grant of permission which set out the layout and measures to be undertaken to prevent conflict between the proposed dwelling and no.6 arising as a result of overlooking, overshadowing or being unduly oppressive / overbearing.

The proposal would have the proposed's two storey bulk and massing, on higher ground level and close set near no. 4 with a minimum of 1.6m to the shared boundary. This scale and massing is concluded to have an oppressive impact leading to an unacceptable loss of outlook and overbearing effect on this neighbour heightened by no. 4's position within its plot which is a lower ground level.

In relation to overshadowing, the numerous flank side elevation windows of no. 6 will be overshadowed by a two-storey property positioned to its southeast; this has been evaluated to be restricted to early mornings to midday depending on the month. Considering no. 4 and the proposed positioned to its northwest, overshadowing is likely to occur late afternoon primarily to the rear garden of no.s 2 and 4 early spring then would progress for a limited time in evenings over Summer to the rear elevations. Given the proximity of the proposal to no.4 and the scale / layout of the proposal it is considered that there would be a loss of light which would result from the proposal that would have a detrimental effect on the enjoyment of no.4 by the occupiers of this property.

It is therefore concluded that the proposed development would have a detrimental impact upon the impact of neighbouring occupiers contrary to policies within chapter 12 of the NPPF, policy LP24 of the Kirklees Local Plan and principle 6 of the Housebuilders Design Guide SPD.

Future amenity of the occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

It is also important to assess the future amenity of occupiers of the proposed residential development. Officers would wish to draw the applicant’s attention to the Government’s ‘Technical Space Standards’, which outlines the minimum gross internal floor areas that dwellings of different sizes should achieve. The Council would wish to see the proposals to meet or exceed these minimum floorspaces within any future reserved matters application. It is also noted that should any living accommodation be provided within the roof space of the dwelling(s) any area with a headroom which is less than 1.5m high will not be counted as useable internal floor area.

In addition, the applicant should ensure that all habitable rooms have access to at least 1 window. It is considered that dormer windows would not be appropriate in this sensitive location.

The indicative footprint suggests that a three bedroom two-storey dwelling may adequately be achievable, with built in storage, compliant with the NDSS within the site.

Garden/amenity areas are shown to be provided to the rear of the dwelling, with access potentially available around the side of the property. This would appear acceptable with regard to Principle 17 of the SPD.

In conclusion, based on the proposed layout and scale, there would be unacceptable additional impact on overbearing and loss of outlook to no. 4 due to the bulk and massing’s two storey scale and proximity to the neighbour, and the elevated ground level of the proposed site. As such it would be contrary to Kirklees Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework, and Principle 6 of the Council’s Housebuilders Design Guide SPD.

4 – Impact on Highway Safety:

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

Principle 12 of the Housebuilders Design Guide states that at the outset of the development, applicants should identify the need for car parking, in addition this principle requires the provision of cycle storage and to avoid parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings.

Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene at front.

Principle 19 of the above 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.

Access is a matter to be considered within this proposal. The indicative plan shows a dwellinghouse with a front amenity space given over to parking which would not require tandem parking. It appears that the required provision of two parking spaces as indicated on the proposed block plan could be supplied to meet the needs of a three bedroom household compliant with the Highways Design Guide SPD. There remains adequate space for bin storage and presentation points within the curtilage of the site and to the rear compliant with KC Waste Management guidance SPD. Reinwood Avenue is a quiet cul-de-sac terminating in UGS which is unlikely to suffer higher traffic demands from future development, in addition properties have dedicated driveways reducing on-street parking demands and parking did not appear oversubscribed on two site surveys. Considering the proposed site access being sited ~33m from the nearest junction, being an existing point of access into the highway and the available visibility on a low traffic highway, the proposed access for a new household could be considered to be satisfactory suitably avoiding adverse impacts on highway safety in this regard.

At this stage, where the principle of development is being considered, officers raise no concerns with the principle of the proposals in relation to access and layout for parking and bins. This does not override previously raised concerns in relation to visual amenity and overdominance of hard surfacing and vehicles with the visual intensification of parking to the front of both no. 6 and the proposed. This is to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 contained within the National Planning Policy Framework.

5 – Other Matters:

Foul Sewage and Drainage

Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework are considered to be relevant in terms of foul/surface water drainage.

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert) however it is in an Indicative Critical Drainage Area.

In terms of drainage, the submitted application form outlines that foul sewage water and surface water is to be disposed of by the mains sewer. As the sustainable drainage hierarchy has not been considered, consideration is required regarding drainage. If the proposal to have a driveway to the front was concluded acceptable at the Reserved Matters stage, a condition would be applied to ensure adequate drainage through permeable surfaces or via soft landscaping in accordance with Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864).

The proposal is considered to be of a scale which is such that submission of details of foul and surface water drainage is not necessary given this would be considered at the building regulations stage, and the site is in an area at lower risk of flooding.

Biodiversity

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

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced.

In addition, Policy LP30 of the Kirklees Local Plan is relevant.

The site is considered have the potential to contribute to net gains in particular being sited in or close to sensitive areas for biodiversity within a bat alert layer, UGS and Kirklees Wildlife Habitat Networks. Principle 9 requires proposals to consider incorporating net gains. It is considered that here is the opportunity to provide net gain by the provision of facilities such as bat boxes, bird boxes, hedgehog holes and enhanced landscaping with the planting of native species. The submitted Climate Change Statement has proposed tree planting and bird/bat boxes to be installed which would be of benefit to increasing habitat potential and support for wildlife.

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

If the proposal would be found otherwise acceptable, Officers would recommend that a condition will be attached to the decision notice, pursuant to any reserved matters application, to require a EDS to be submitted to secure satisfactory appearance and landscaping. This would be in line with Local Planning Policy LP30, Chapter 15 of the NPPF and Principle 9 of the Housebuilders Design Guide SPD.

Air Quality

In accordance with Government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it would be considered reasonable and necessary to seek air quality enhancement as part of this application. Therefore, a condition would be included requiring the provision of an electric vehicle charging point per dwelling within the site should the scheme be found acceptable.

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.

Policy LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.

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 application is supported by a Climate Change Statement which outlines that the dwelling is to have an air source heat pump, rooms orientated to achieve solar gain, soakaways and efficient insulation. At a minimum the proposed dwelling would be built to modern building regulations and given the nature of the scheme it would be considered reasonable to request that one electric vehicle charging point be provided to aid in the contribution to climate change and for specific details of how the development will respond to climate change. Given these considerations, Officers are satisfied that the building would not harm the climate change agenda on this occasion. The proposed

development would therefore comply with Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

Land stability and contamination

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

The site is within a historic landfill and gas buffer area for development, indicating that there may be a likelihood of land contamination. Should the proposal be considered acceptable overall, a pre-cautionary condition would be recommended in the event of unexpected discovery of land contamination in order to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and LP53 of the Kirklees Local Plan.

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.

On the basis of the conclusions drawn within the 'Visual Amenity' and the 'Residential Amenity' section of this report insofar as the development is not considered to accord with policies LP01, LP02 and LP24 of the KLP, Principles 2, 5, 6 and 12 of the Housebuilders Design Guide and Chapter 12 of the NPPF.

Taking into account that the Council cannot demonstrate a 5-year housing land supply, the 'tilted balance' has been engaged in the consideration of this application. Given the restrictions of the width and positioning of the site, it is concluded that the visual harm that would accrue from the proposal would significantly and demonstrably outweigh the benefits of the provision of residential development on the site, even at a time of local and national shortage. Taking into account all material considerations and with this appropriate reasoning, it is recommended that the application be refused notwithstanding the tilted balance being engaged.

Recommendation: Refusal.

Decision Authorisation – Delegated

Application Number: 2023/91963

Officer Recommendation: Refuse

Reason:

1. The proposed development is of a visually cramped appearance, leading to an incongruous feature within the street failing to harmonise with its character and that of the wider locality. This would be further exacerbated by the provision of parking to the front within this site which would be visually harmful and lead to a dominance of parking to the front of the site and adjacent land. To approve the development would cause unacceptable visual harm contrary to policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 2, 5, 6 and 12 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework

2. The proposed development's layout and scale would lead to a structure with significant bulk and massing, which is upon elevated ground, closely sited to no. 4 Reinwood Avenue leading to an unacceptable level of overbearing and detrimental loss of outlook to this neighbour. To approve this development would cause detrimental harm to the residential amenity of no.4 Reinwood Avenue, contrary to Kirklees Local Plan Policy LP24, policies within Chapter 12 of the National Planning Policy Framework, and Principle 6 of the Council's Housebuilders Design Guide SPD.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing No. 02.	Unamended	04/07/2023
Existing and Proposed Block Plan.	Drawing No. 01.	Unamended.	30/06/2023
Proposed Streetscene Elevation and Side Elevation Plans.	Drawing no. 03.	Unamended	15/05/2023
Design and Access Statement	Design and Access Statement by Northern Design Partnership. June 2023.	-	06/07/2023
Air Source Heat Pump Details	-	-	05/07/2023
Climate Change Statement	-	-	04/07/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The proposal was assessed on its own merits without the benefit of a pre application service being used by the

agent. Due to the constraints of the site, development could not be supported in principle.

Report Dated: 04/10/2023