

**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:	<b>2023/62/93237/W</b>
Site Address:	Brayside, 71, Coach Road, Cowcliffe, Huddersfield, HD2 2NW
Description:	Demolition of existing dwelling and garage and erection of detached dwelling with detached garage
Recommending Officer:	Lucy Taylor

**DECISION – REFUSED**

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

John Holmes

***AUTHORISED OFFICER***

**Date: 1<sup>st</sup> February 2024**

## **Officer Report.**

**Reference:** 2023/93237

**Location:** Brayside, 71, Coach Road, Cowcliffe, Huddersfield, HD2 2NW

**Proposal:** Demolition of existing dwelling and garage and erection of detached dwelling with detached garage

## **Site Description.**

71 Coach Road is a detached bungalow, with accommodation in the roof. The external walls of the property are faced in brickwork and the roof is infilled with profile interlocking concrete tiles. The property benefits from a large extent of garden amenity space to the southern elevation and side elevations, as well as on-site parking amenity space.

Within the wider streetscene, there are a variety of property types and construction styles established. However, the property shares a strong sense of similarity with neighbouring properties to the north and north west, which are detached brick bungalows, with accommodation in the roof.

Part of the land within the red line boundary of the site falls within land the subject of a Green Belt Allocation in the Kirklees Local Plan.

The site is located in close proximity to public footpaths HUD/388/20 and HUD/389/20.

## **Description of Proposal.**

Planning permission is sought for the demolition of the existing dwelling and garage and erection of detached dwelling with detached garage.

The replacement detached dwelling would be situated within a similar position within the plot.

The dimensions of the proposed replacement dwelling would be 15 metres x 12.5 metres.

The new dwelling would be three stories in height, with a lower ground floor, ground floor and first floor. The maximum height of the dwelling would be 11.5 metres.

The external walls of the new detached dwelling would be faced in natural local coursed stone and the roof would be infilled with grey concrete interlocking roof tiles.

A raised terrace would be present to the southern and eastern elevations of the dwelling, with glazed balustrade.

The detached garage would be situated to the south west of the dwelling.

The extent of hard surfacing around the dwelling would be increased, to wrap around the north and western elevations of the dwelling.

Garden amenity space would be retained to the eastern and southern elevations.

### **History of Negotiations/Amendments Received.**

No amendments have been sought in this instance.

### **Relevant Planning History.**

No relevant planning history at the application site or within the immediate vicinity.

### **Representations.**

Final publicity date expires:

Neighbour letters: 18 January 2024

Site Notice: 25 January 2024

Press Notice: 19 January 2024

In response to publicity, three objections and two general comments were received.

The objections and comments raised the following material planning concerns:

- Loss of light to neighbouring properties.
- Loss of privacy and increased levels of overlooking.
- Not in keeping with surrounding dwellings.
- Noise, air and light pollution and fumes.
- Excessive destruction of green space.
- Drainage concerns from the proposed tarmac hard standing.
- Impact to trees has not been considered, close proximity to an ancient woodland with mature trees and protected species.
- Impacts of overbearingness and detriment to living conditions.

- Garage not in suitable location, should be positioned on the open side of the property, adjacent to the entrance of the site which would be more accessible, less imposing, less damaging to green space and would be obscured behind the existing hedges.
- Proposed development will have a significant harmful impact on the openness of the area.
- New dwelling will block out views from neighbouring properties.
- Overdevelopment of the site.
- Roosting bats are present at the site.
- Boundary wall should be protected, and sufficient room should be left to allow it to be maintained on completion.

### **Consultation Responses.**

**KC Trees** – No objection subject to a condition requiring an Arboricultural Method Assessment to be obtained and an Arboricultural Method Statement if required.

**KC Highways Development Management** – Given that these proposals provide ample off-street parking and internal vehicle turning, Highways Development Management have no objection to these proposals.

**KC Environmental Health** – No objection subject to condition / informative note.

**Contaminated Land:** The proposed development site is not shown to be on land identified as potentially contaminated by its previous use, it is however shown as being close to historical quarries. The development involves groundworks, therefore recommend a condition in relation to unexpected contamination.

**Construction Noise:** Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason an informative would be necessary to limit the hours of operation.

**Electric Vehicle Charging Point:** In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group.

**Officer Note:** It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

**KC Ecology** - Although the submitted information details that there will be no impacts to roosting bats as a result of the proposed demolition of the structures within the site, the site is located directly adjacent to Grimescar Wood Local Wildlife Site (LWS), which is also designated as ancient woodland. Therefore, KC Ecology recommend that the proposals look to relocate the proposed garage at the site, as at this stage, it seems as though the proposals lie within 15m of the boundary of the woodland.

**Forestry Commission** – no comments received.

### **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).

Part of the land within the red line boundary of the site falls within Green Belt Allocation in the Kirklees Local Plan, however, given that no development is taking place within this part of the site and that it appears to form part of the residential curtilage of the existing dwelling, it is not considered that this allocation is relevant to the determination of this planning application.

The site is located in close proximity to public footpaths HUD/388/20 and HUD/389/20.

The application site is located within an area with a known presence of bats and within an area identified by the Coal Authority as been a low risk of ground movement as a result of former mining activity.

### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th 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 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed & beautiful places
- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment

#### **Other Guidance Documents:**

- Kirklees Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- 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)
- Nationally Described Space Standards
- National Design Guide

#### **Legislation:**

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017

#### **Summary of Principle Planning Issues.**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact of the proposed development upon visual amenity
- 3) Impact of the proposed development upon residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

## 1) Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The 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. The NPPF was updated on 20th December, with paragraph 76 setting out the following:

*Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*

- a) their adopted plan is less than five years old; and*
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

The Council's Local Plan was adopted in February 2019 and is currently less than 5 years old.

Policy LP7 of the Kirklees Local Plan states encourages 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.

The site measures around 1,282,83sqm, however, given that the proposed dwelling is to replace the one existing dwelling at the application site, in this instance, it is considered that the principle of the density of the development of the site for one dwelling been established and in this case a higher density has potential impacts in terms of access and residential amenity of neighbouring occupiers.

In this case, the area of land to be developed is without notion within the Kirklees Local Plan. Given the existing residential use of the site, it is considered that the principle of redevelopment of the existing use in this location is acceptable, subject to the assessment of impacts on visual and residential amenity, highway safety and other matters.

## **2) Impact on Visual Amenity**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

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

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

Policy LP24 of the Kirklees Local Plan 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 of the Kirklees Local Plan 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 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 Kirklees Housebuilders Design Guide SPD states that:

*“New residential development proposals will be expected to respect and enhance the local character of the area by:*

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

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

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 designed to front on to the street.

The existing dwelling of No. 71 Coach Road comes forward of the shared building line with No. 9 Fixby Park Drive by approximately 3 metres. The proposed new dwelling at the site would come forward of the building line of No. 9 Fixby Park Drive by approximately 5 metres, with all of this protrusion forward relating to part of the dwelling which will be two-storey in height (approx. 8 metres in height). Officers consider that this increase in footprint and further disturbance to the existing building line, coupled with the increase in scale and massing arising from the replacement dwelling would result in the proposals not complying with Principle 5 of the House Builders SPD.

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

In this instance, the existing building to be demolished comprises of a bungalow structure, with accommodation in the roof, with neighbouring properties to the north and north west also detached brick bungalows, with accommodation in the roof. Whilst the replacement dwelling would retain a gable roofing form, the extent to which the dwelling would be increased in height is considered to result in an obtrusive structure within the character of the streetscene, with the front projecting lean-to and rear two-storey projecting gable further adding to the overall extent of bulk and massing. It is therefore not considered that the height or roof design is reflective of other properties within the area.

Officers would consider that a simpler and more traditional pitched roof with gable ends facing east and west would be more appropriate and sympathetic in this location, of a reduced height as to not appear overly dominating in the streetscene. The closest two-storey property to the site, 49 North Cross Road, has a simple pitched roof above, with small scale dormers incorporated.

The overall impacts of the height of the proposed dwelling are exacerbated further by the significant extent of engineering operations proposed to create the lower ground floor level. This furthers adds to the extent to which the new built form would be read as obtrusive when seen from the perspective of the southern elevation.

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.

Moving on to the proposed windows and doors, the proposals seek to install a substantial amount of glazing to the front of the new building, with large pieces of glazing dominating the front projecting gable to the north facing elevation and the entirety of the rear elevation. The windows all vary in scale, size and design, appearing sporadically throughout the property. Whilst some more larger panels of glazing could be acceptable within the dwelling, Officers consider the proposals as submitted to appear imposing and entirely out of character and at odds with neighbouring properties, which predominantly have simple windows installed.

The significant amount of glazing further adds to the dominant appearance of the dwelling, and therefore is not considered to accord with Principle 14 of the above SPD.

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

In respect of materials, the dwelling is to be finished in natural local coursed stone. Whilst officers note that the existing dwelling is faced in brick, like neighbouring properties to the north and north west, the use of local coursed stone would be in keeping with the character of the area, with the adjacent property of No. 49 North Cross Road faced in stone, as well as other properties located slightly further away.

The roof of the new dwelling would be infilled with grey concrete interlocking tiles, this is in keeping with the character of the existing dwelling at the site, which is infilled with profile interlocking concrete roof tiles.

The proposed increase in hard surfacing is considered to be significant, with the proposed driveway to wrap around the north and west of the dwellinghouse. The increase in hard surfacing would see the resultant loss in part of the existing grass surfaced outdoor amenity space at the site, adding an unacceptable level of tarmac, which would result in an overly urbanised appearance. The urbanised appearance of the western side of the site would have a detrimental impact visually, worsened by it's siting next to the outdoor garden amenity space of No. 8 Fixby Park Drive and open fields to the south of the site.

In conjunction with the extent of hard surfacing, the size/scale and siting of the detached garage is considered to be unacceptable from a visual amenity perspective. Adding a significant extent of additional built form within the wider curtilage of the site, with the western, southern and eastern facing elevations all to be blank and solid stone.

In conclusion, the proposal, by virtue of the layout of the dwelling and detached garage, their overall size, scale, massing and incongruous design, as well as extensive engineering works including excavation and hard surfacing would result in a development that would fail to sympathetically integrate with the existing development in the locality. It is therefore considered to be out of keeping with the immediate area and would therefore

fail to harmonise with the character of the street, introducing an incongruous addition to Coach Road. It is therefore considered that the proposal would not accord with Policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local Plan, Principles 5, 14 and 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

### **3) Impact on Residential Amenity**

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

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

Further to this, paragraph 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 occupiers.

Principle 6 of the House Builders 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.

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’.*

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

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

No. 9 Fixby Park Drive:

This property neighbours the application site to the north.

The front elevation of the new dwelling would be separated from the shared boundary with No. 9 Fixby Park Drive by approximately 3.75 metres, bringing the new dwelling closer to the siting of this neighbouring property than the existing dwelling, with a significant increase in the height, been three-storey and having a ridge height of approximately 8 metres to the north facing elevation.

This reduced extent of separation, in conjunction with the increase in ridge height, is considered to result in undue impacts of overbearing for the occupiers of No. 9 Fixby Park Drive, with a glazed conservatory present to the southern side elevation of this neighbouring property, as well as a first-floor window which appears to serve a habitable room.

Given the above, it is also concluded that the proposal would result in undue impacts of overshadowing for the neighbouring property of No. 9 Fixby Park Drive. Desktop sunlight calculator software has been used to aid the assessment of the proposal with regard to its impacts, confirming that the new dwelling would directly overshadow No. 9 Fixby Park Drive between the hours of approximately 10:00-14:00 in the summer and 08:30-13:30 in the winter.

In addition to the proposed dwelling, the submitted block plan shows a 2.1-metre-high fence to be erected along the shared boundary between the application site and No. 9 Fixby Hall Drive. This fence would also result in undue impacts of overbearing and overshadowing for this neighbouring property, particularly with regards to the impacts of the fence to the ground floor conservatory.

The glazing proposed to the first floor of the north facing elevation is not considered to serve habitable rooms internally, with the floor plans showing it to serve bathrooms and the hallway. The glazing proposed to the ground floor would serve the entrance and the study, with guidance setting out that studies are considered to be habitable rooms. As such, given that the proposed windows to serve the study would be separated from the shared boundary with No. 9 Fixby Hall Drive by approximately 4.4 metres and from the siting of the conservatory at No. 9 by approximately 6.3 metres, it is not considered that these windows are compliant with the recommended separation distances within the Housebuilders Design Guide SPD and therefore, could result in undue impacts of overlooking.

*No. 8 Fixby Park Drive:*

This property neighbours the application site to the north west.

The proposed new dwelling would retain a minimum separation distance of approximately 7.6 metres from the shared boundary with No. 8 Fixby Park Drive and the proposed detached garage would be separated from the shared boundary with this neighbouring property by less than 1 metre (minimum

approximately 0.55 metres) and would have a solid western elevation with a maximum height of approximately 5.5 metres.

Given the above, it is considered that the cumulative impact of the new dwelling and detached garage would result in undue impacts of overbearing and overshadowing to the neighbouring property of No. 8 Fixby Park Drive and its private amenity space. Desktop sunlight calculator software has been used to confirm that the dwelling and garage would pose impacts of overshadowing between the hours of approximately 06:00-11:30 to the rear amenity space of No.8 Fixby Park Drive and its rear elevation, which has windows present appearing to serve habitable rooms.

Both ground floor and first floor windows to the western facing side elevation of the new dwelling would serve habitable rooms internally. These windows would have a minimum separation distance of approximately 9 metres from the shared boundary with No. 8 Fixby Park Drive. As well as the windows to this side elevation, a raised terrace is proposed to be erected to the rear elevation of the new dwelling.

At present, only one first floor habitable room window is installed to the western facing elevation of the existing dwelling, with the current ground floor windows serving the kitchen, which is categorised as a non-habitable room. Therefore, the cumulative impact of the increase in habitable room windows to the western facing elevation (serving study and lounge to the ground floor and bedroom to the first floor) and the rear raised terrace is considered to result in undue impacts of overlooking towards the private garden amenity space of No. 8 Fixby Park Drive.

#### No. 49 North Cross Road:

This property is located to the north east of the application site.

The proposed new dwelling would retain a minimum separation distance of approximately 16.3 metres from the shared boundary with this neighbouring property and only one habitable first floor window is proposed in the eastern facing elevation of the new dwelling.

Given this extent of separation, it is not considered that the proposed dwelling would result in undue impacts of overbearing or overshadowing for the occupiers of No. 49 North Cross Road, and it is also considered that the proposed first floor window to the eastern facing side elevation or raised terrace would not result in undue impacts of overlooking.

#### Adjacent Undeveloped Land:

To the south of the application site is undeveloped land.

The rear elevation of the new dwelling proposed habitable room windows to all levels. The rear elevation of the new dwelling would retain a minimum separation distance from the shared boundary with adjacent undeveloped

land of approximately 15.2 metres. Therefore, this separation is considered to appropriately accord with Principle 6 of the Housebuilders Design Guide SPD.

However, for the aforementioned reasons detailed in this section of the report, the proposals are considered to be contrary to Policy LP24 of the Kirklees Local Plan, Chapter 12 of the NPPF and Principles 6 of the Housebuilders Design Guide SPD with regard to impacts to No.'s 8 and 9 Fixby Park Drive.

*Amenity of future occupiers of the proposed dwelling:*

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord 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), therefore Officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers. In addition, all habitable rooms benefit from at least one window and therefore Officers consider that there would be sufficient access to outlook and natural light.

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 retain a large portion of the existing rear garden area and therefore the amount of garden space to be provided is deemed to be acceptable in relation to the scale and size of the proposed dwelling. In addition, given the orientation of the dwelling and its amenity areas it will benefit from direct 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.

It is also important to note that should planning permission be granted an informative will be attached which restricts noisy construction activities to certain times, this is due to there being potential for the loss of amenity to the occupiers of nearby properties from noise and vibration during the construction phase of the development.

#### **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. Furthermore, 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.

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

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management. Their comments were as follows:

This application seeks approval to the demolition of existing 3 bedroomed dwelling and garage and erection of detached 4 bedroomed dwelling with detached garage at Brayside, 71, Coach Road, Cowcliffe, Huddersfield.

These proposals utilise an existing access onto Coach Road and provide a new 3 vehicle detached garage to the rear of the property. The existing driveway is shown to be widened and the tarmac driveway to the front of the proposed garage provides ample space for parking and internal vehicle turning. Bin storage points are shown close to the site access.

Given that these proposals provide ample off-street parking and internal vehicle turning Highways Development Management have no objection to these proposals.

Given the above, the proposals as submitted are therefore considered to comply with Local Plan Policies LP21 and LP22, the guidance contained within the National Planning Policy Framework, and Principle 12 of the Housebuilders Design Guide SPD.

## **5) Other Matters**

### **Contaminated Land:**

With regard to land quality, Chapter 15 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 is relevant.

The proposed development site is not shown to be on land identified as potentially contaminated by its previous use, it is however shown as being close to historical quarries. The development involves groundworks, therefore, upon formal consultation with KC Conservation and Design, it was recommended that, upon any grant of approval, a condition regarding unexpected contamination be imposed.

### **Biodiversity & Trees:**

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.

A bat survey report has been submitted with the application, which is welcomed. The report details that the buildings at the site provide negligible suitability for roosting bats and as such, the proposed development will have minimal impacts on roosting bats.

Although the submitted information details that there will be no impacts to roosting bats as a result of the proposed demolition of the structures within the site, the site is located directly adjacent to Grimescar Wood Local Wildlife Site (LWS), which is also designated as ancient woodland.

Natural England and Forestry Commission have identified impacts of development on ancient woodland or ancient and veteran trees within their standing advice. This guidance should be considered the Government's position with regards to development impacting ancient woodland. The above-mentioned guidance details that ancient woodlands should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area).

The National Planning Policy Framework, paragraph 180, states: "When determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>(63)</sup>, and a suitable compensation strategy exists;"

Footnote 63, defines exceptional reasons as follows: "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."

There is no wholly exceptional reason for the development in this location and as such this development should be refused on the grounds it does not comply with national planning policy.

Regard should also be given for Policy LP30 (Biodiversity and Geodiversity) and LP33 (Trees) of the Kirklees Local Plan, with respect to the protection of ancient woodland and the natural environment.

Local Plan Policy LP33 relates to trees, within this policy it states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity.

When land use is intensified such as in this situation, woodland plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

Given the conclusions drawn in respect of the principle of development, Officers have not sought to request this information from the applicant on this occasion, nor have they sought amendments regarding the relocation of the garage, and therefore this will form a reason for refusal of this application. However, should an application be submitted at this site in the future, it is recommended that a Arboricultural Method Statement be provided and the advice from KC Ecology be taken into consideration regarding the position of the detached garage.

#### 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 application is supported by a Climate Change Statement, which sets out various mitigation measures.

In addition, and in accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers would seek the provision of an electric vehicle charging point within the curtilage of the site to serve the new

dwelling. The purpose of this is to promote modes of transport with low impact on air quality. This is now controlled by Part S of the Building Regulations which came into force in June 2022, and would not be repeated as a planning condition.

**PROW:**

The site is located in close proximity to public footpaths HUD/388/20 and HUD/389/20.

Given that the proposed development would not prejudice the function, continuity, or implementation of these footpaths as walking or cycling networks, the proposal is considered to appropriately comply with LP23 of the Kirklees Local Plan.

In turn, it is considered that these footpaths would be protected following the erection of the proposed residential development.

There are no other matters for consideration.

## **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 not constitute sustainable development and is therefore recommended for refusal.

### **Recommendation: Refuse**

#### **Decision Authorisation - Delegated Powers**

**Application Number: 2023/93237**

**Officer Recommendation: Refusal**

#### **Reasons for Refusal:**

1. The proposed dwelling and detached garage, by reason of their overall size, scale, massing and incongruous design, as well as the extensive engineering works including excavation and hard surfacing, would represent a form of development that would appear as overly dominant and would fail to sympathetically integrate with the existing development in the locality. The development would be out of keeping with the immediate area and would fail to harmonise with the character of the street, introducing an incongruous addition to Coach Road contrary to policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local Plan, Principles 2, 5, 14 and 15 of the Housebuilders Design Guide

SPD and policies within Chapter 12 of the National Planning Policy Framework.

2. The proposed dwelling detached garage and boundary treatments, by reason of their siting, scale, massing, orientation and close proximity to neighbouring land would have a significant overbearing and oppressive impact upon the amenity and outlook of No's 8 and 9 Fixby Park Drive contrary to policy LP24 (b) of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.
3. The proposed habitable room windows and raised terrace, in relation to No's 8 and 9 Fixby Park Drive and their private amenity spaces, are considered to result in an unacceptable level of overlooking contrary to policy LP24 (b) of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.
4. In the absence of the submission of information relating to whether demolition and construction works can be undertaken without significant impact to biodiversity and the existing trees within and adjacent to the application site, a full and proper assessment of the impact of the development cannot be undertaken contrary to Policies LP30 and LP33 of the Kirklees Local Plan and policies within Chapters 12 & 15 of the National Planning Policy Framework.

**Plans and Specifications Schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	01/11/23
Survey Drawing	2023/035/01	-	01/11/23
Topographical Survey	-	-	01/11/23
Planning Drawing	2023/035/08	A	14/12/23
Site Plan – Planning Drawing	2023/035/09	-	14/12/23
Climate Change Statement	-	-	01/11/23
Bat Report	-	-	11/12/23

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No amendments were sought on this occasion as the proposals were deemed to be wholly unacceptable upon submission.

Report dated: 01.02.24