

Joint Design and Access & Planning Supporting Statement



**Land adjacent to 146 Commercial Road,
Skelmanthorpe, HD8 9DS**

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1.0 Executive Summary

- 1.1 This application for the erection of a single dwelling is effectively a resubmission of the previously refused 2022/62/90340/E.
- 1.2 The principle of the residential development of the site for a single dwelling has been previously established within the site planning history, subject to there being no harmful effects from the proposals.
- 1.3 As established by the subsequent appeal to application 2022/62/90340/E, there is no set pattern in terms of spacing in the area and the area is characterised by various roof-forms, including gable and hipped roofs. The previous refusal in respect of the harm to the character and appearance of the area was not upheld on appeal. The proposed dwelling follows the previously established parameters for design, and refusal on such matters would not be justified in this instance.
- 1.4 The application, by virtue of a significant reduction to the visual bulk, scale and massing, and increase in separation distance to the shared boundary with no.1 Poplar Rise (in accordance with the recommendations within the Kirklees Housebuilders Design Guide SPD) is such that there is no significant harm to amenity by virtue of a loss of privacy, overshadowing or from any loss of outlook or overbearing effects.
- 1.5 The Daylight and Sunlight Assessment (Report) submitted as part of this application illustrates that all neighbouring windows pass the relevant BRE diffuse daylight and direct sunlight tests. The development also passes the BRE overshadowing to gardens and open spaces test.
- 1.6 The proposals would provide an additional dwelling in an accessible location on a small site that would make a positive contribution to the mix and supply of housing in the district. The development would also incorporate various energy efficiency measures, in some instances exceeding Building Regulation requirements. The development of the site for a single dwelling would also result in positive economic effects during the construction period and from future occupants contributing to the local area.
- 1.7 The proposed scheme has addressed the previous reason(s) for refusal and the benefits, are not outweighed by any identified harm. The proposed development would therefore accord with the development plan taken as a whole. It is therefore respectfully considered that consent should be granted for the proposed development.

2.0 Introduction and Background

- 2.1 This application has been prepared on behalf of the applicant Silverwood & GNS Property Developments Ltd and seeks full planning permission for the erection of 1 no. detached dwelling on land adjacent to 146 Commercial Road, Skelmanthorpe, HD8 9DS.
- 2.2 The application seeks to respond to the previous reason(s) for refusal (see Site Planning History below). As addressed in more detail within this report below, the proposals have addressed the previous reasons for refusal by virtue of material differences in the proposed design and layout, and with the submission of further supporting information.
- 2.3 In addition to this Joint Design and Access and Planning Supporting Statement and submitted plans, the application is supported by the following documents:
1. Envirosearch Residential Report
 2. Coal Mining Risk Assessment
 3. Daylight and Sunlight Assessment

3.0 Site Planning History

- 3.1 The detailed site planning history and associated plans (where relevant) are set-out within Appendix A of this report. Of particular relevance to this application is the most recently refused planning application **2022/62/90340/E** for the erection of a detached dwelling (Decision Issued 20.05.2022). The application was refused for the following two reasons:
1. *The proposed development, by reason of its design, mass and siting adjacent to the boundary with 1 Poplar Rise, would result in an overbearing and oppressive feature to the detriment of the residential amenity of the occupants contrary to Policy LP24 (b) of the Kirklees Local Plan and Principle 6 of the Housebuilder's Design Guide SPD.*
 2. *Due to the scale and design, in particular the roof form, the proposed development would appear at odds with the prevailing character of the area and street scene to the detriment of the character and appearance of the area. As such the proposal is contrary to Policies LP24 (a) of the Kirklees Local Plan and Principle 2 and Principle 15 of the Housebuilders Design Guide SPD.*
- 3.2 A subsequent Appeal (reference **APP/24718/W/22/3307383**), was dismissed 25.07.2023. A material consideration is the Planning Inspectors decision which sets out within paragraph 15 that: "The proposal would not be harmful to the character and appearance of the area..." As such, only one of the reasons for refusal (harm to the neighbouring amenity of no.1 Poplar Rise) was upheld. It is within this context that this revised application should be considered [notably that the area is characterised by various roof-forms, including hipped roofs].

4.0 Planning Policy

- 4.1 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.
- 4.2 The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- 4.3 The policies of the Local Plan (and Supplementary Planning Documents/Guidance) and National planning policy and guidance, where relevant, are referenced and addressed within the relevant sections of the report below.

5.0 Design and Access Statement

Site Context and Constraints

- 5.1 The site measures approximately 625m² (0.06 hectares) and comprises garden land formally associated to the neighbouring 146 Commercial Road, and an existing access, driveway and garage (constructed under approval 2021/62/94016/E). The site is bounded by a stone wall and hedgerow to the northern side fronting Commercial Road, a hedgerow to the western boundary, and 1.8m high close-boarded fencing and gates to the eastern and southern boundaries. Access to the site is via New Lane to the east.
- 5.2 The site lies within a predominantly residential area, bounded to the west by the rear gardens of properties on Poplar Rise, with no.146 Commercial Road to the eastern side, and 'Plot 2' (constructed under approval 2021/62/94016/E) to the south. The site lies adjacent to Commercial Road to the north and is raised above both the road and no 1. Poplar Rise to the west by approximately 0.56m. Within No.1 Poplar Rise's garden there is a mature tree. Buildings are generally set back behind garden areas, many of which contain trees and planting that contributes to the pleasant, spacious character of the area.
- 5.3 Surrounding dwellings comprise a mix of bungalows (dormer), two-storey and 2.5 storey, detached and semi-detached dwellings. There is a range of external materials primarily consisting of stone, with less frequent use of red brick and render. Surrounding dwellings generally utilise stone window detailing with UPVC casement windows of various colours and styles.
- 5.4 The Envirosearch Residential Report submitted with the application confirms that the site:
- Is not at risk from contaminated land.
 - Has no significant risk of flooding (Flood Zone 1).
 - Is not within a radon affected area.
 - Is not subject to any other influential factors.

- 5.5 The site does lie within the defined Development High Risk Area for Coal Mining, where recorded coal mining risks are present at the surface or shallow depth. A coal mining Risk Assessment has been submitted as part of the application.
- 5.6 The applicant has undertaken a Utility Search Report and has confirmed that there are no existing utilities which will be affected by the proposed development.
- 5.7 The site context has guided the design of the proposed dwelling in seeking to overcome the previous reason(s) for refusal. The main constraints and contextual analysis that has guided the design of the development are:
- The scale, design and appearance of surrounding dwellings.
 - Access.
 - Topography of the site and relationship to neighbouring dwellings.
 - Building line along Commercial Road.
 - Retention of hedgerows and boundaries, particularly along the front with Commercial Road, which contributes positively to the street scene and along the western boundary which retains the amenity of the neighbours.

Neighbour Consultation/Discussions

- 5.8 Taking into consideration the previous reasons for refusal and objection from neighbours, prior to submission of the application, the agent has discussed the proposals with the occupants of no.1 Poplar Rise. It is understood that the main concerns are the potential effects on privacy, outlook (views of the dwelling from the rear/garden), overshadowing/loss of light, and that the hedgerow (laurels) are retained. Photos taken from the rear garden of no.1 Poplar Rise are included within this report (see assessment of the effects on no.1 Poplar Rise below). It is considered that the current proposals address the issues raised.

Use and Amount

- 5.9 The application seeks full planning permission for the erection of 1 no. detached, four-bedroom, market dwelling, including associated access, parking and landscaping on land adjacent to 146 Commercial Road, Skelmanthorpe, HD8 9DS.

Layout

- 5.10 The proposed dwelling will front Commercial Road, with private amenity and parking to the rear (south) accessed via New Lane to the east.
- 5.11 The dwelling is sited between 146 Commercial Road to the eastern side and 'plot 2' to the rear (south) (see permission 2021/62/94016/E) and no.1 Poplar Rise to the western side. The proposed dwelling follows the existing building line along Commercial Road, with a garden area to the front and existing hedgerow retained. This is in keeping with the existing character of the area with buildings generally set back behind garden areas that contributes to the pleasant, spacious character of the area.
- 5.12 The proposed layout ensures that the dwelling achieves the required separation distances to any surrounding dwellings. In particular, the proposed dwelling is offset from the shared boundary with no. 1 Poplar Rise by 2 metres. This accords with the

recommendations within the Kirklees Housebuilders Design Guide SPD (June 2021) (paragraphs 7.19 and 7.21).

- 5.13 The arrangement also ensures that the main rear garden and habitable areas facing southwards are served by direct sunlight. The layout allows for passive surveillance to the front and rear over gardens, driveways and pedestrian areas. The layout of the site is also such that there is ample space for bin storage away from the site frontage and street scene.

Scale

- 5.14 The proposed dwelling is two-storey, with a maximum ridge height (gable roof) measuring 7.2m and an eaves height measuring 5.5m. The hipped north-western side projection is one-and-a-half storey with a maximum ridge height measuring 6.25m and eaves height measuring 4.45m. The dwelling has a footprint measuring 109m², with a gross internal floor area (GIA) measuring 174.5m² (97m² at ground floor and 77.5m² at first floor). Private garden amenity to the rear measures approximately 165m².
- 5.15 The scale of the proposed dwelling takes into consideration the topography of the area, sloping down from south-east to north-west, with the overall height of the dwelling in between the heights of 146 Commercial Road and 1 Poplar Rise, therefore reflecting the changes in levels along Commercial Road. As addressed in more detail below (see Planning Supporting Statement – ‘Impact on Residential Amenity’) the scale of the proposals has responded to the previous reason for refusal in respect of harm to the neighbouring 1 Poplar Rise.

Appearance

- 5.16 The site lies within a predominantly residential area where a range of houses of varying styles can be seen. There is a variety in roof designs in the area, which includes properties with gable and hipped roofs, and front dormers nearby (see Appendix B - Varied Roof Designs in the Area). The proposed dwelling is designed with a two-storey front gable and hipped one-and-a-half storey, with front dormer fronting Commercial Street in keeping with the surrounding varied character. Windows are aligned, with detailing including stone cills and headers in keeping with the character along Commercial Road. The proposed dwelling presents an active frontage facing Commercial Road.
- 5.17 External facing materials are to reflect the surrounding dwellings, and are as were previously approved for ‘plot 2’ to the south (reference 2021/62/94016/E) comprising the following (please see Appendix C – Proposed Materials):

Facings	140mm coursed stone
Detailing	Stone heads, cills and corbels to all elevations
Roof	Marley Modern (or similar) – Smooth Grey
Windows	UPVC – Grey external face / white internal face
Bi-fold Doors	Grey PPC aluminium
Front Door Frames	GRP / Composite – Black with chrome ironmongery
Rainwater Goods	Grey UPVC
Soffits & Fascia's	Grey UPVC
Private Paths/Patios	Natural stone
Garage Doors	Painted grey – As existing (2021/62/94016/E)
Driveways	Tarmacadam – As existing (2021/62/94016/E)

Table 1: Proposed Materials

Landscaping

- 5.18. The proposals will retain the existing front and western side boundary treatments, which include stone walls and hedgerows. Some pruning of the hedgerow to the western side boundary is proposed, however it will be retained. Private garden amenity is provided to the rear, which will comprise lawn and planting, and be secured by 1.8m high fencing.
- 5.19 The provision of bird/bat boxes are proposed in order to enhance and increase the sites biodiversity (in accordance with the aims of the NPPF).

Access

- 5.20 Vehicular access is taken from the existing 4.5m wide private shared drive from New Lane to the east (at the rear), which was approved and constructed under application 2021/62/94016/E. In-curtilage (off-street) parking for three vehicles is provided by way of a garage (with internal dimensions of 6.0m x 3.0m) and two parking spaces (existing as per consent 2021/62/94016/E). Off-street parking is therefore provided in accordance with the recommendations set out within the Kirklees' Highway Design Guide SPD.
- 5.21 Cycle parking can be accommodated within the garage. The rear is secured by fencing and gated access, with pedestrian access from the parking area to the rear. This arrangement ensures that parking is sited away from the site frontage and street scene of Commercial Road, allowing the front boundaries to be retained.
- 5.22 Refuse collections will be undertaken within the adopted highway (New Lane) at the entrance to the shared driveway. Residents will be requested to position refuse bins in this area on the designated collection day each week. Bins will then be removed by residents and relocated within curtilage on the hardstanding provided.
- 5.23 The nearest bus stops are located along Commercial Road approximately 30m to the north-east and 80m to the north-west of the site, providing services to Huddersfield and Holmfirth. Within 400m walking distance to the north-west is the Skelmanthorpe District Centre, including a variety of everyday services and facilities. The site therefore has good access to public transport links and services.

6.0 Planning Supporting Statement

Principle of Development

- 6.1 The NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development.
- 6.2 The site is not allocated within the Kirklees Local Plan. Policy LP2 states that "*all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes...*" The site is located within Skelmanthorpe, a residential area of Huddersfield. The site is surrounded by residential uses, which is not uniform in character, comprising a mix of detached and semi-detached dwellings.
- 6.3 The NPPF (Section 11) seeks to ensure that policies and decisions promote an effective use of land in meeting the need for homes and other uses. Policy LP7 of the Kirklees Local Plan states that housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme. Typically, developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.
- 6.4 The site would represent a small infill site, within an existing residential sub-urban area, which, as set-out above (Access) is sustainably located with good access to public transport links, and within walking distance of everyday services and facilities. In this instance a single dwelling is considered appropriate at the site, as any more than an additional single dwelling is likely to result in a cramped form of development that would fail to sympathetically integrate with existing development in the locality.
- 6.5 The Kirklees Local Plan generally seeks to support residential development upon unallocated, small wind-fall sites where appropriate. The site is considered such a location for a single residential dwelling. A material consideration is that the principle of residential development has been previously established within the site planning history, subject to there being no harmful effects from the proposals.

Impact on the Character and Appearance of the Area

- 6.6 Although each application is to be determined on its own merits, the previous decisions are a material consideration. As outlined above (Section 3.0 Site Planning History) the previous application 2022/62/90340/E within its second reason for refusal stated: "*Due to the scale and design, in particular the roof form, the proposed development would appear at odds with the prevailing character of the area and street scene to the detriment of the character and appearance of the area. As such the proposal is contrary to Policies LP24 (a) of the Kirklees Local Plan and Principle 2 and Principle 15 of the Housebuilders Design Guide SPD.*"
- 6.7 The officer report to application 2022/62/90340/E made the following observations:
- *The scale of the dwelling is such that the footprint is tucked into the space adjacent to the existing building leaving a gap of less than a metre to the boundary with No.146 and around a metre to the west with 1 Polar Rise (when measured from the site plan). Whilst Commercial Road has no set pattern in*

terms of spacing there are concerns regarding the significant reduction in space and impact on the character of the area.

- *Further, Principle 15 states that the design of the roofline should integrate well to the site context including topography, views, heights of buildings and the roof types. Although it is acknowledged that the roof line would result in stepping down from 146 to 1 Poplar Rise, the height and hipped roof design would appear at odds with the prevailing character of the locality. The roof form and gable feature would appear dominant within the street scene compromising the simple form and layout of existing buildings.*

6.8 The subsequent Appeal (reference APP/Z4718/W/22/3307383), although dismissed did not uphold this reason. On this matter the Planning Inspector concluded at paragraph 10 that: *"the proposed development would not have an adverse effect on the character and appearance of the area. As such, it would not conflict with Local Plan Policy LP24 or the SPD, which seek, amongst other matters, good design that respects and enhances the character of the townscape."*

6.9 The proposals follow the previous key design parameters including:

- Although there is a reduction in space between the existing building at 146 Commercial Road and 1 Poplar Rise, there is no set pattern in terms of spacing in the area (as previously determined by the LPA and Planning Inspectorate). Although the spacing was previously considered appropriate with regards to character and appearance, the proposals increase the distance to the shared boundary with no.1 Poplar Rise, from 1m to 2m, a betterment to the spacing between buildings.
- The proposals are designed with a gable and hipped roof-form, which given the variety in roof designs in the area (see Appendix B – Varied Roofscape of the Area) would not appear at odds with the prevailing character. It should be noted that application 2021/62/91819/E for a gable roof design was not refused for design (impact on character and appearance of the area) and appeal APP/Z4718/W/22/3307383 for a hipped roof design was not dismissed for such reasons.
- The overall height of the dwelling (reduced from 7.75m as previously refused to 7.2m) would remain in between the heights of 146 Commercial Road and 1 Poplar Rise and would therefore reflect the changes in levels along Commercial Road.

6.10 Given the above it is considered that the proposed development would not have an adverse effect on the character and appearance of the area. As such, the proposals would accord with Policy LP24 of the Local Plan, the Housebuilders Design Guide SPD, and Section 12 of the NPPF (Achieving well-designed places), which seek, amongst other matters, good design that respects and enhances the character of the townscape.

Impact on Residential Amenity

Future Occupiers of the Proposed Dwelling

- 6.11 As detailed within the Design and Access Statement ('Scale') above the proposed dwelling is of a size such that it accords with the recommendations within the Technical housing standards – nationally described space standards (2015) for a two-storey four-bedroom dwelling. All rooms are served by windows, with principal rooms served by windows facing either the front or rear, allowing for a good standard of outlook and natural light.
- 6.12 Ample private garden amenity is provided for the benefit of future occupiers with access to sunlight (southwards facing) in accordance with the Kirklees Housebuilders Design Guide SPD (Section 9.2).
- 6.13 Off-street parking and safe pedestrian access is provided, being secured by boundary fencing/gates and benefiting from passive surveillance from the proposed dwelling and surrounding properties.
- 6.14 The proposed development would therefore provide a good standards of amenity for future occupiers complying with Local Plan Policy LP24(b) and Section 12 of the NPPF.

Neighbouring Occupiers

1 Poplar Rise: detached neighbour to the north-western side of the site.

Loss of Privacy/Overlooking

- 6.15 The only openings proposed to the north-west facing side elevation are at ground-floor comprising a door and small window serving a utility room (non-principal/non-habitable room). These openings would have an outlook to the hedgerow boundary, which is to be retained (can be conditioned as part of any granting of consent). There are therefore no significantly harmful effects to amenity by virtue of any overlooking or loss of privacy.

Overshadowing/Loss of Light Effects

- 6.16 The proposed dwelling is of a scale such that it effectively sits within the profile of the neighbouring 146 Commercial Road (as viewed from north-west to south-east). The proposals have a separation distance measuring 14.3m from the one-and-a-half-storey hipped projection to the main rear elevation of no.1 Poplar Rise, and 2m from the shared boundary.
- 6.17 The application is supported by detailed 'Daylight and Sunlight Assessment' to fully illustrate the acceptability of the proposals. The assessment addresses the effects on all of the windows to the rear (including to the conservatory) and the rear garden at no.1 Poplar Rise. It should be noted that although the effects on the conservatory are shown to be acceptable, this is not typically considered a 'habitable room' for planning purposes.
- 6.18 In respect of the windows at no.1 Poplar Rise, the greatest reductions and effects with regards to the 'Vertical Sky Component' are to the conservatory (1.0% loss to window 11). The greatest effects to all other windows (not within the conservatory) are 0.6% or lower. In respect of 'Daylight Distribution' there is a maximum 1% loss to any

assessed window in respect of total and winter sunlight hours. All of these neighbouring windows therefore pass the relevant BRE diffuse daylight and direct sunlight tests.

- 6.19 In respect of the rear garden at no.1 Poplar Rise (which measures 102.1m²), the detailed Daylight and Sunlight Assessment illustrates that at present 55.04m² of the garden receives at least two hours of sunlight on 21st March. The proposals (following construction) would reduce this area to 53.23m², a 1.81m² change. This is best illustrated by Appendix 3 of the Daylight and Sunlight Assessment. As can be seen, the change is minimal and passes the BRE overshadowing to gardens and open spaces test.
- 6.20 The proposals are such that there is no significant harm from overshadowing to the occupants of the neighbouring dwelling. Similarly, the reduced scale (from that previously refused), separation to the shared boundary, and existing boundary hedgerow to be retained ensures that there is no significant overshadowing of the rear garden amenity space to warrant refusal.

Effect on Outlook/Overbearing Effects

- 6.21 The Kirklees Housebuilders Design Guide SPD (June 2021) is a material consideration and provides recommended minimum separation distances (paragraph 7.19) for two-storey houses. Paragraph 7.21 states that longer distances may be necessary where there are changes in topography. The hipped north-western side projection of the proposed dwelling measures one-and-a-half storeys with a maximum ridge height measuring 6.25m and eaves height measuring 4.45m. The proposed dwelling is sited 2m away from the shared boundary with no.1 Poplar Rise (as per the recommendations within the Kirklees Housebuilders Design Guide SPD, paragraph 7.19). The main gable two-storey frontage (7.2m ridge and eaves measuring 5.5m) is sited 6.1m away from the shared boundary with no.1 Poplar Rise.
- 6.22 Taking account of topography, the hipped side (measuring 6.25m ridge) added to the change in levels (0.55m) would have a maximum height from the land level (garden) at no.1 Poplar Rise measuring approximately 6.8m. This would therefore be one-and-a-half storey in height (as two-storey dwellings are typically 7-8m+). The 2m distance to the shared boundary would therefore be the correct distance to apply, and is achieved by the proposed development. Furthermore, the 2m separation allows the existing boundary comprising a hedgerow to be retained, further reducing any effects.
- 6.23 The submitted 'Proposed Street Scene' (see Image 6.1 below) best illustrates the significant material difference from the previously refused scheme and relationship. Compared to the previous applications, the scale, visual bulk and massing has been significantly reduced, and is set further away from the shared boundary. As such it is not considered that the proposed development would have a significantly harmful effect on the outlook of no.1 Poplar Rise or any significantly overbearing or oppressive effects to the their amenity (either to the rear elevation or rear garden).



Image 6.1 - Proposed Street Scene along Commercial Road

6.24 The following images (6.2 – 6.5) provide additional context to assist in the assessment of the effects.



Image 6.2 - Comparison of Current and Previous Proposal – Site Plans



Image 6.3 - View North across the Site



Image 6.4 - View from Commercial Street



Image 6.5 - View from the Rear Garden of no.1 Poplar Rise

- 6.25 The following provides an assessment of the effects on the other surrounding neighbours, however it is a material consideration that effects on these dwellings did not form a previous reason for refusal.

Nos.133, 135, and 137 Commercial Road – opposite the front to the north.

- 6.26 The proposed dwelling imitates the existing separation/interface distances from the neighbouring 146 Commercial Road to the properties opposite the front. At ground-floor the proposed dwelling maintains a separation distance measuring 20.6m (at the nearest point) and 21m from the proposed dormer and two-storey gable frontage. These distances accord with the recommendations within the Kirklees Housebuilders Design Guide SPD (June 2021).
- 6.27 The scale of the proposals and separation distance ensures that there is no significant harm to the amenity of these properties by virtue of overlooking/loss of privacy, overshadowing, or from a loss of outlook/overbearing effects.

146 Commercial Road – neighbour to the eastern side.

- 6.28 The proposed dwelling is offset by 2m, set-lower and follows the existing building lines and profile of no.146. There are no facing principal rooms between the two dwellings (any windows can be obscure glazed if considered necessary). Due to the scale and positioning of the dwelling proposed it is not considered to result in any significant harm to the amenity of the occupant of no.146.

'Plot 2' (as per 2021/62/94016/E) - Dwelling to the rear of the site.

- 6.29 The dwelling (plot 2) to the rear of the site contains no habitable room windows in the side elevation facing the proposed dwelling. There is sufficient distance (over 16.5m at the nearest point) maintained between the two properties ensuring the amenity of future occupants would be protected.

Nos. 3 and 5 Poplar Rise – Dwellings to the west.

- 6.30 There are no direct facing principal windows to the rear of either no.3 or no.5 Poplar Rise. The scale, distance and relationship to these dwellings is such that there would be no significant harm to amenity.
- 6.31 Overall, the proposed dwelling would accord with Principle 6 of the Kirklees Housebuilders Design Guide SPD, achieving the advised separation distances, and according with Local Plan Policy LP24(b) and Section 12 of the NPPF.

Other Matters

- 6.32 The following matters have not previously formed a reason for refusal (a material consideration in the determination of this application):
- **Flood Risk and Drainage** – The site lies within Flood Zone 1 and as such a site specific Flood Risk Assessment is not required. Matters of drainage for this minor development can be controlled under building regulations.
 - **Land Stability (Coal Mining Risk) and Land Contamination** - The application is supported by an Envirosearch Residential Report and Coal Mining Risk Assessment (CMRA). The CMRA proposes a scheme of intrusive

investigation to assess the potential for shallow mine workings. This can be conditioned.

- **Impact on Protected Species, Biodiversity, and Trees** - The site comprises garden land formerly associated to the neighbouring 146 Commercial Road. There are no mature trees within the site boundaries and the proposals are sited at such a distance from the neighbouring tree at no.1 Poplar Rise that there would be no harm. The site is considered to have low potential for protected species given its relatively modern construction. It is therefore considered that the proposal is unlikely to cause harm to protected species. Given this, the provision of bat and bird boxes on the proposed dwelling can be conditioned should permission be granted

- **Climate Change** - The proposal will include the following sustainable features which will serve to assist the Councils adopted a target for achieving 'net zero' carbon emissions by 2038:
 - Enhanced building fabric performance equivalent to CfSH Level 3 requirements.
 - Thermally efficient UPVC windows and doors.
 - Provision of flow control devices to reduce water usage in accordance with current Building Regulation requirements.
 - Provision of an electric vehicle charging point (can be conditioned).
 - Provision of segregated recycling bins.
 - Heating and hot water will be supplied to the scheme through efficient heating systems (i.e. underfloor heating or radiators).
 - Air tightness standards is intended to average a 50% improvement over Building Regulations.
 - Good levels of daylight.
 - External lighting will be positioned, controlled and focused such that its energy provides efficient, safe and secure access. This will comprise energy efficient luminaires supported by infrared technology and time controls where necessary.
 - Secure cycle storage within the garage spaces.

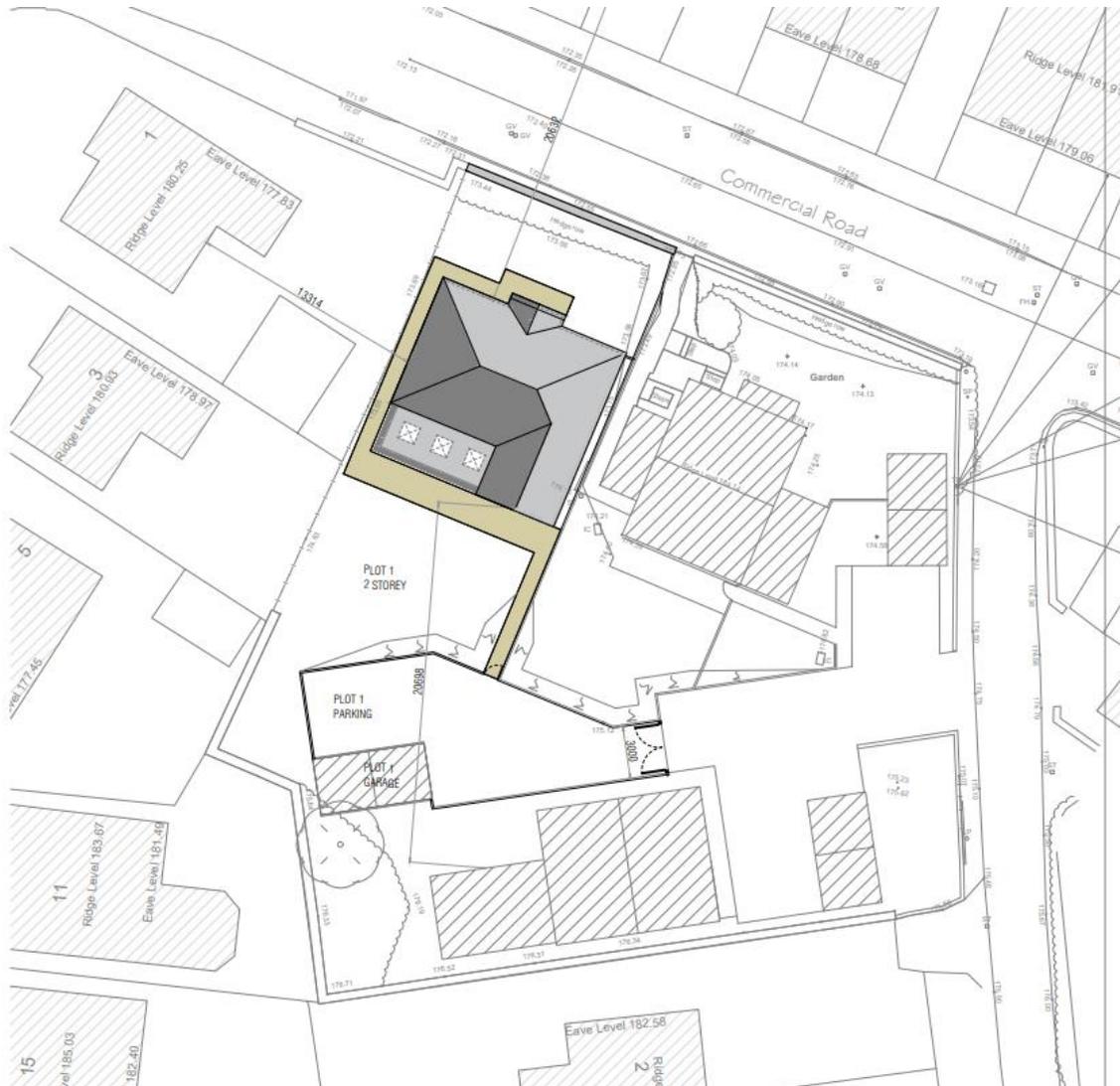
7.0 Conclusion

- 7.1 The proposals would provide an additional dwelling in an accessible location on a small site that would make a positive contribution to the mix and supply of housing in the district. The development would also incorporate various energy efficiency measures, in some instances exceeding Building Regulation requirements. The development of the site for a single dwelling would also result in positive economic effects during the construction period and from future occupants contributing to the local area. Limited weight in favour the application should be afforded to these identified benefits.
- 7.2 The development would not be harmful to the character and appearance of the area, and would provide sufficient cycle and car parking, with suitable provision for refuse collections and adequate access and visibility. The design has been carefully considered, ensuring inclusive access and that the materials and elevational design reflect the buildings in the locality. The now amended scheme from that previously refused, including reduced scale, bulk and massing, combined with layout alterations including a separation of 2m to the shared boundary with no. 1 Poplar Rise is such that there is no significant harm to neighbouring amenity. The site is not at significant risk from flooding, from contamination or other environmental factors and no existing utilities would be affected by the proposed development. These are neutral considerations and not ones which weigh in favour (or against) of the development.
- 7.3 It is considered that the scheme has addressed the previous reason(s) for refusal and the benefits, are not outweighed by any identified harm. The proposed development would therefore accord with the development plan, taken as a whole. It is therefore respectfully considered that consent should be granted for the proposed development.

Appendices

Appendix A: Site Planning History – Plans.

2022/62/90340/E – Erection of detached dwelling. Refused 20.05.2022 and **Appeal Ref: APP/Z4718/W/22/3307383**, Dismissed 25.07.2023.



FRONT ELEVATION
(1:75 @A1)



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

2021/62/94016/E – Erection of detached dwelling and three detached garages, erection of extensions to existing dwelling. Approved (Conditional Full Approval) 25.01.2022.



2021/62/91819/E – Erection of two detached dwellings and three detached garages, erection of extensions to existing dwelling. **Refused 01.10.2021. Appeal Ref: APP/Z4718/W/22/3290231**, Dismissed 20.07.2022.



1. *The proposed development, by reason of the massing, siting and design of the proposed 2.5 storey dwelling at Plot 1, would have a significant detrimental impact upon the residential amenity of the occupiers of no. 1 Poplar Rise, resulting in overshadowing and an overbearing impact upon that property. The proposal therefore would therefore be contrary to Policy LP24 of the Kirklees Local Plan and the Housebuilder's Design Guide SPD.*

Appendix B: Varied Roof Designs in the Area.



Appendix C – Proposed Materials.

