

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/93537/E
Site Address:	adj, 1, Moor Park Gardens, Dewsbury, WF12 7AS
Description:	Erection of dwelling
Recommending Officer:	Edward Cheseldine

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 01 March 2024

Officer Report

2023/93537 - adj, 1, Moor Park Gardens, Dewsbury, WF12 7AS

Site Description

1 Moor Park Gardens is a 1.5 storey, semi-detached dwelling in Dewsbury. The property is built with brick exterior walls and a patterned brick frontage, it has a high-pitched roof with a flat roof dormer. The property features is accompanied by a modest outdoor space to the side of the property, with a modest front and rear garden. There currently stands an existing garage which is attached to the dwelling, in front of which rests a driveway which has access to Moor Park Gardens.

Moor Park Gardens is a residential road that features dwellings on both sides, however the application site faces a dwelling on Moor Park Lane. Dwellings within the immediate vicinity are visually similar in age, style, materials and appearance to the dwelling on the application site.

Description of Proposal

Planning permission is sought for the partial demolition of a garage and the erection of one dwelling.

The proposed dwelling would be 1.5 storey in height, with a single storey protrusion to the side. The appearance of the dwelling would be formed in an L shape, with a low-pitched roof on the 1.5 storey section. It would have two flat roof dormers. The dwelling would face the street of Moor Park Gardens. It would have a ridge height of ~6.10m, eaves height of ~2.50m, ~10.50m depth, ~7.20m width. Materials of the exterior walls would be brick, with concrete roof tiles. Two parking bays will be installed in front of the dwelling, with two additional spaces for 1 Moor Park Gardens. Bins will be stored to the front of the property.

History of negotiations/amendments received

Design amendments were requested to accommodate soft landscaping for the borders of the property and to make the side elevation more appealing, indicative plans were considered, however they did not overcome the concerns of the planning officer, therefore the initial plans were assessed.

Relevant Planning History

2023/93456 - Erection of front and rear extensions – Full permission granted.

Representations

Neighbourhood notification letters were sent out to advertise the application, which expired on the 17 January 2024. There were no representations as a result from the publicity.

Consultation responses

KC Environmental Health: No objections subject to conditions.

KC Highways – No objection subject to visibility splay plans being provided.

Policy

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

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

Kirklees Local Plan (LP):

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th 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.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Understanding Biodiversity Net Gain (2024).
- Kirklees Housebuilders Design Guide SPD (2021).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental matters
- 5) Conclusion

Principle of development

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

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

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

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

‘The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, 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, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 69 of the NPPF recognises that: “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning

authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

Residential development at the site could be acceptable in principle. One dwelling is proposed in this instance, this is considered appropriate as it is not considered that more dwellings on the site could be accommodated without resulting in a cramped form of development. Any additional car parking spaces would compromise the residential layout of the area.

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

Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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.

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 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.”*

Characteristics of the building group within the local vicinity of the property are formed through the building materials, architectural design of the dwellings and the spatial pattern of the surrounding streets including the sense of space from underdeveloped land on corner plots.

The proposed dwelling will form an addition to the row of houses on Moor Park Gardens. It will be set back ~0.25m from the adjacent dwelling, with a ~0.50m rearward projection. There is a strong spatial layout on Moor Park Gardens and Moor Park Lane from the sitting of properties and spacious borders which provides an open character to the area. The proposed dwelling will be positioned on the end of Moor Park Gardens, abutting Moor Park Lane. Currently there is a ~12.35m space between 1 Moor Park Gardens and the boundary to the public path. The proposed dwelling would be positioned, leaving a ~0.55m space. This placement will remove the existing open character of the intersection, by way of forming a dwelling which appears to encroach the public space. The dwelling has a prominent gable-end that rises to a height of ~6.10m. Considering the area, the other corner plots have been left with generous gardens which provides a character to the building group. On the other side of Moor Park Lane is a school sports pitch that is currently bordered by a brick boundary wall adding to this sense of space. Low boundary walls are a common feature within the building group. As the dwelling is to be placed with a ~0.55m gap to the boundary, it would appear cramped given the spatial confines of the site.

Notwithstanding the above, there is a strong building line that is formed from Moor Park Lane, the proposed dwelling sits in front of these properties. As it is set in a direct relationship with Moor Park Lane, the dwelling would close off the appearance of the space, detracting from the view of the streetscape.

Looking at the wider spatial pattern, Moor Park Lane acts as the only entranceway to the wider estate. Presenting a building that appears cramped and does not relate to the other buildings would detract an area of attractive significance which derives from the sense of openness.

The development therefore fails to conform to the character of the built environment by way of its sitting in relation to the spatial pattern of the area and building line on Moor Park Lane, failing to accord with Principle 2 of the Kirklees Housebuilders Design Guide SPD.

In relation to the front area of the dwellings, there will be two car parking spaces and a modest garden space. One of the car parking spaces will be directly in front of the property. The outdoor space will appear cramped given the layout of the plot. Front areas are predominantly uniformed in the area with space to the side of dwellings for car parking. In this case, the appearance of the front plot will deteriorate the character of the area of the street scene by introducing a front outdoor space with a large area is a hardstanding material with parking directly in front of the house.

In terms of size, the dwelling is relatable to one semi-detached property.

The proposal would result in usable outdoor space the front and rear of the dwelling which is a combined substantial space which is adequate for the number of bedrooms the dwelling holds.

Principle 13 of the Kirklees Housebuilders Design Guide SPD states that applicants should *consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.*

Moving on to appearance, houses in the local area are predominantly brick constructed dwellings with section of patterned brick work on the front elevation, they have low pitched roofs and dormers, they appear as modernist builds. The proposed dwelling would be constructed in a similar fashion with brick exterior walls and concrete roof tiles. In terms of appearance the dwelling is similar to a single semi-detached unit with the low roof pitch and dormers. It would appear similar to dwellings on the street, notwithstanding it is a single unit in an area of semi-detached dwellings, conforming to the character of other dwellings. If the proposal was found to be acceptable a design could be added to the brickwork on the front of the dwelling to appear as the others do.

Principle 14 of the Kirklees Housebuilders Design Guide SPD notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The principal elevation is relatable to neighbouring properties with large modernist style openings, a low pitched roof and a flat roof dormer.

The site pertains a corner plot, therefore the side elevation would be highly visible to the public domain. The Kirklees Housebuilders Guide SPD states, houses should have active frontages where two elevations are highly present. Under this application, the side elevation does not contain a frontage which could be classed as an attractive frontage. Given the prominent setting, the appearance of the side elevation does not maintain or enhance the character of the area which is unsatisfactory in terms of design.

Principle 15 states that the design of the roofline should relate well to site context.

In terms of the roofline, a pitched roof style has been chosen in an orientation that continues the ridgeline of other buildings to the west, it has a similar height which is in context with the rest of the street.

The proposed dwelling will appear cramped given the size of the plot and lack of space left to the side of the dwelling which does not respect the layout of the area, it will visually dominant the area given its positioning which does not create an attractive dual frontage or enhance the streetscene. The proposal fails to accord with Principle 2 & 14 of the Housebuilders Design Guide SPD, Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the NPPF.

Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

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

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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

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

The properties that will be affected by the development will be 1 Moor Park Gardens.

However, the proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect. Of note, whilst there are a number of properties to the rear and front of the site, the proposed dwellings would be ~21 metres between habitable windows.

Impact on 1 Moor Park Gardens

1 Moor Park Gardens is the link detached building to the north of the application dwelling, they have the same orientation. In terms of the spatial relationship, the new dwelling protrudes to the rear of No. 1 by ~0.50m. Not including the garage, there is a separation distance of ~1.45m. The rearward projection is minor, it should not reduce the outlook from the rear by an angle of less than 45oC, additionally, due to the length of the projection it would not reduce the sense of space enough to be overbearing. As the new dwelling fits within the building line and has a similar roof shape to the neighbouring dwelling, there will not be a significant loss of sunlight to habitable rooms or outdoor areas. There is one proposed side window that faces north on the first floor, to light a landing. It is directed towards the dwelling at No. 1, there is a window on the gable end of the adjacent dwelling which lights a bathroom. The relationship is acceptable given both windows light non-habitable rooms and they could be obscured if residents require this. There are no indications of the boundary treatments on the plans, however it would be required that 1.80m fencing is placed between the rear gardens and a low 1.0m fence is placed between the front boundaries to ensure there is usable private outdoor space.

Amenity of the Proposed Occupiers

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

Guidance as to the suitable standards for internal space are set out in the House Design Guide SPD, which states in paragraph 9.1, *‘The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers’*.

The floorplans indicate the dwelling will be a three-bedroom property with a single and double room on the first-floor and a bedroom on the ground-floor. Regarding the first-floor single room it had been assessed to be a substandard size. The single occupancy room will be 2.30m x 3.00m, totalling 6.9m². Guidance set out in the Nationally Described Space Standards states a single bedroom should have a floor space of at least 7.5m².

The double room measures 3.30m x 4.00m, totalling 13.20m². The guidance states a room of such size should be at least 11.50m², which the room accords with, as does the ground floor room which totals 12.60m². The National Standards were brought in to improve housing standards, whilst the two double bedrooms comply, neither could be classed as spacious or generous.

Total area calculations have not been provided by the planning agent, from officer calculations the total floor space of the proposed dwelling measures ~85.40m. The Nationally Described Space Standards state a two storey dwelling with 3 bedrooms for 4 people should have be 84m², given the balance of probability that the house would be occupied by 4 people, the floorspace standards are met.

Given the inadequacy of the single-room, the proposed dwelling would result in a cramped form of development which does not accord with the Nationally Described Space Standards.

The single occupancy room could be converted into a room such as a study under negotiations, however as the proposal has a negative impact on visual amenity, the potential change has not been discussed with the planning agent.

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.”*

Notwithstanding the dwelling and parking spaces, there would be a remaining usable outdoor space of 8.40m² to the rear and 6.00m² to the front. Garden spaces do vary between each plot in the local vicinity, with the provided space representative of other plots in the area.

The proposed development therefore fails to accord with Principle 16 of the Kirklees Housebuilders Design Guide SPD in terms of internal floor space which has adopted the Nationally Described Space Standards, Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety

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

A plan indicating sight lines was provided by the planning agent. KC Highways assessed there would be no additional impact from the formation of a new entranceway.

Two parking spaces have been provided for the proposed dwelling, as well as two bays for the dwelling on the shared site. The design Highway Design Guide, Key Design Driver 20 indicates that a 3 bedroom dwelling should be provided with 2 off-street parking space, which the plans accord with for each property.

Environmental issues

Land Contamination

The proposed development site is not shown to be on land identified as potentially contaminated by its previous use. The development involves groundworks, we therefore a condition in relation to unexpected contamination would be conditioned.

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. A condition that the charging points indicated on drawing 23/157/A is installed would be required.

Construction mitigation

Construction practices are covered by other regulations and it is not considered necessary or reasonable to attach a condition regarding site working times, but an informative regarding construction practices can be attached instead if permission is granted.

Ecology

Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, the provision of bat and bird boxes on the proposed dwelling would be recommended as a condition should permission be granted.

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 does not accord with Principle 2, 14 & 16 of the Housebuilders Design Guide SPD, Policy LP24(a)(b) and Chapter 12 of the National Planning Policy Framework. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refusal

Reason(s) for Refusal

1. The proposed development, due to siting and architectural design, would have a detrimental impact within the streetscene, appearing cramped within the plot and impacting the sense of openness and spatial layout to the detriment of the character of the area. This would be contrary to Principle 2 & 14 of the Housebuilders Design Guide SPD, Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the NPPF.
1. The proposed development would result in a standard of accommodation for residents of the first-floor single bedroom which does not accord with Principle 16 of the Housebuilders Design Guide SPD, Policy LP24(b) of the Kirklees Local Plan, Nationally Described Space Standards and Chapter 12 of the NPPF.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	LP	1	01/12/2023
Grouped plans and elevations	01	1	01/12/2023
Proposed site / block layout – with visibility splays	02	1	12/12/2023
Design and access statement	DAS	1	01/12/2023

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Design amendments were requested to accommodate soft landscaping for the borders of the property and to make the side elevation more appealing, indicative plans were considered, however they did not overcome the concerns of the planning officer, therefore the initial plans were assessed.

