

**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:	2024/60/90137/E
Site Address:	adj, 18, Ullswater Close, Dewsbury, WF12 7PN
Description:	Outline application for erection of 1 dwelling
Recommending Officer:	Nicole Helliwell

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: 25-Mar-2024

Officer Report

Reference No. 2024/62/90137/E

Site Address: adj, 18, Ullswater Close, Dewsbury, WF12 7PN

Proposal: Outline application for erection of 1 dwelling

Site Description

The application site relates to an area of land adjacent to 18 Ullswater Close in Dewsbury. The site previously served as part of the curtilage of this dwelling and is accessed via the driveway which serves no.18. The site is also located in a predominantly residential area, and there are residential properties to the north, east, south and west. The dwellings within the immediate street scene are two storey in height and of similar materials and architectural styles. Furthermore, the site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The applicant seeks outline planning permission for the erection of residential development within the grounds of 18 Ullswater Close. The applicant seeks approval for access, appearance, layout and scale, with landscaping to be reserved for approval at a later stage. The proposed two storey dwelling would be faced in red brick and would incorporate a dual-pitched roof finished in grey pan tiles. The property would have a width of approx. 8m, a depth of approx. 9.9m and an overall height of approx. 6.45m. It is also noted that the dwelling would incorporate roof lights within the front roof plane and a dormer extension within the rear roof plane. Two off road parking spaces are also proposed to the front of the development and an area of private outdoor amenity space would be provided to the rear of the site.

Relevant Planning History

- **2010/91732:** Outline application for erection of one dwelling. [Planning application details | Kirklees Council](#) – Refused
- **2010/90261:** Outline application for erection of one dwelling. [Planning application details | Kirklees Council](#) – Withdrawn

Representations

The application was publicised by neighbour notification letters, which expired on 12th March 2024. As a result of the above publicity, 14 representations have been received. The comments made have been summarised below:

- Plants and bushes have been cut down and removed recently
- Loss of view
- This property appear to be a low profile dormer type building unlike the proposed dwelling at 18 Ullswater Close

- Contractor and delivery vehicles attending the proposed new build property will not be able to access the land due to drive width issues and again this will force them to block the existing cul-de-sac
- My property will almost certainly be devalued if the proposal goes ahead
- Should there have been a full tree survey before the cutting down and removal of trees
- The proposed shared drive means numerous cars will be trying to get down the drive right next to my house
- The proposal will create additional traffic
- Access to the proposed area is greatly restricted
- Loss of light
- Loss of privacy
- Drains are also an issue as we have very poor drainage in this area
- Increase overlooking
- Additional on street parking
- The new layout for vehicle access to the proposed new build is contrived and will be a danger and nuisance.
- There is not sufficient space for vehicles to park outside the property or on the roadside as this would cause an obstruction and prevent others accessing their properties.
- I do not see that 4 vehicles could safely navigate the narrow driveway to access the parking area.
- It is difficult to see how 4 vehicles could fit as the gap between no 18 and no 20 is very narrow
- Concerns for the future use of the proposed property.
- Contractors and delivery vehicles using the cul-de-sac will result in parking issues and will most definitely be detrimental to the safety of the young children who play in the cul-de-sac
- Adverse effect on wildlife and greenery
- The removal of so many trees and shrubs will also remove the natural ability of the land to self-manage water levels which could therefore lead to potential flooding or issues with standing water in the immediate vicinity.
- I am also concerned about the hours of work required to erect this proposed property as well as the noise pollution.
- The construction of the proposed dwelling has to be considered a fire hazard due to the access restrictions
- There will be a huge disturbance to my family due to the additional noise as currently there are no vehicles using the rear of the property.
- Any paramedic attendance at the property would be severely hampered by the distance that would need to be covered on foot to and from their vehicle and could therefore prove detrimental to the health and well-being of the patient they are attending.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Environmental Health – No objections subject to recommended conditions
KC Highways Development Management – Objection

Planning Policy Background

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 26** - Renewable and Low Carbon Energy
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 33** – Trees
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 30** - Biodiversity & 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 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.

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

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- a) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF Paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

The proposal seeks outline planning permission for the erection of residential development within Dewsbury and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. 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 LP24 all 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 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 133 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. Also 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.”*

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The proposed dwelling would be two storeys in height and would be of a contemporary design. The property would be faced in red brick and would incorporate a dual-pitched roof finished in grey pan tiles to match the appearance of the surrounding properties. The dwelling would also feature roof lights within the front roof plane and a dormer extension within the rear roof plane. As it is not clear from the submitted plans and information, it is considered appropriate to impose a condition should the application be approved requiring the rear dormer extension to be faced in grey pan tiles.

The submitted plans and application form also provide limited information regarding the proposed boundary treatments. Therefore, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed should the application be approved requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority.

The proposed dwelling would orient towards the west and would not continue an existing building line. The dwelling would be set back approximately 26.7m from Ullswater Close which would reduce its prominence and visibility from public vantage points. However, it is considered that the detached property would be an infill development and would appear as a standalone feature that would fail to sympathetically integrate with the neighbouring properties. The proposal would introduce an incongruous layout in the street scene which would be out of keeping with the character of the area.

Having taken the above into account, the proposed development would cause significant harm to the visual amenity of the host dwelling and the

wider street scene, and would fail to accord with the aims of Policies LP24(a) of the Kirklees Local Plan, Principles 2 and 5 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state that alterations to existing buildings should: “...*maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.*”

Further to this, Paragraph 135(f) 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 applicant seeks approval for access, appearance, layout and scale with landscaping to be reserved for approval at a later stage.

The proposed layout of the current development differs slightly from that which was previously refused in 2010.

Impact on 6 Ullswater Avenue

6 Ullswater Avenue is a residential property located north-east of the application site. The submitted plans demonstrate that the proposed dwelling would occupy a position approx. 22m to the rear elevation of no.6. Given that the separation distance retained would be sufficient, it is considered that there would be no significant detrimental overshadowing, overlooking or overbearing impact on the neighbour’s residential amenity.

Impact on 18 Ullswater Close

18 Ullswater Close is a two storey semi-detached property located south-west of the application site. It is noted that a distance of approximately 1.8m would be retained between the side wall of the proposed dwelling and the common boundary shared with no.18. Although this would fall short of the recommended separation distance, it is noted that the proposed dwelling would contain no fenestration within its side elevation. Furthermore, the proposed development would occupy a position approximately 13m from the rear elevation of no.18. However, it is considered that there would be no significant detrimental overshadowing, overlooking or overbearing impact on the neighbour's residential amenity given that it would not have a direct relationship with the proposed dwelling.

Impact on 9 and 11 Ullswater Road

9 and 11 Ullswater Road are residential properties located north-west of the application site. The submitted site plan confirms that the proposed dwelling would occupy a position approx. 16.5m to no.9 and approx. 18.4m to no.11, which would accord with the separation distances outlined within the SPD. On this basis, it is considered that there would be no significant detrimental overshadowing or overbearing impact on the neighbour's residential amenity. Furthermore, it is noted that the proposed dwelling would include a new ground floor window within the north-facing side elevation. Although this window would serve an open plan kitchen/dining/living area which is a habitable room, it would be of secondary use. Therefore, should the application be approved, a condition requiring the window to be obscure glazed will be added to the decision notice to prevent any detrimental harm to the neighbouring occupants with regard to residential amenity.

Impact on 20 Ullswater Close

20 Ullswater Close is a two-storey detached property located west of the application site. The submitted plans indicate that the proposed dwelling would be positioned approximately 8.1m from the common boundary shared with no.20. Whilst the proposed dwelling would face towards the private outdoor amenity space of no.20, it would not have a direct relationship with the proposed dwelling due to the angled plots. For these reasons, it is considered that the proposed dwelling would not raise any significant concerns with regard to overshadowing/loss of light/overbearing impact.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. Therefore, should the

application be approved, a footnote will be imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National described space standards require the following gross internal floor area for a two storey dwelling:

- 3 Bedroom, 4-person dwelling set over 2 storeys - 84 square metres
- 3 Bedroom, 5-person dwelling set over 2 storeys - 93 square metres
- 3 Bedroom, 6-person dwelling set over 2 storeys - 102 square metres

The proposed floor plans show that the dwelling would have three bed spaces and therefore is required to have an internal floor space of 84m². The proposal is shown to have an internal floor space of 97.7m², which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, private outdoor amenity space is proposed to the rear and off road parking would be located to the front of the dwelling. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on

highway safety and provide sufficient parking. 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.

This application seeks outline permission for the erection of a detached property within the grounds of 18 Ullswater Close. The applicant is seeking approval for access, appearance, layout and scale with landscaping to be reserved for approval at a later stage. As such, KC Highways Development Management were formally consulted as part of the application.

The plans confirm that the proposed driveway width at 2.3m is substandard. The Kirklees Highway Design Guide states that to ensure residents can access their properties, a private drive serving five dwellings or fewer should be a minimum of 4.5m wide (5.0m wide if there are structures along its initial length for example walls) for the first 5.0m of its length. This is to allow vehicles to turn in and turn out. Furthermore, for a single dwelling a driveway should be at least 3m wide, or 3.3m if the drive provides the main pedestrian access to the dwelling. Therefore, the current driveway is unacceptable and would need to be widened to a minimum of 4.5m to be acceptable.

The applicant has stated that four off street parking spaces will be provided, two parking spaces for the proposed dwelling and two spaces for the existing dwelling. Whilst the parking spaces for the proposed dwelling would be acceptable, the parking spaces for the existing dwelling would use the shared access, effectively blocking the access to the new dwelling. As such, two parking spaces for the existing dwelling would need to be provided in an area that would not obstruct the shared access.

No bin storage areas are shown for either the existing or the proposed dwelling. Details of waste storage and collection for both dwellings should be provided. A waste collection/presentation point adjacent to the public highway would be required for the new dwelling due to the length of the driveway being over the recommended carry distance. The bin collection/presentation point should also be located adjacent to the public highway and must not obstruct the adopted highway or the access road for road safety reasons.

In view of the above, the site layout would not satisfactorily demonstrate that sufficient parking, turning and manoeuvring space would be available to serve both the existing and the proposed dwelling.

On this basis, it is considered that the proposal would cause detrimental harm to the safe and efficient operation of the highway network and would fail to accord with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5. Other Matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The application is for outline planning permission for the erection of a detached dwelling. In accordance with Government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it is considered reasonable and necessary to seek air quality enhancement as part of this application. KC Environmental Health would remind the applicant that approval under the Building Regulations will be required for an Electric Vehicle Charging Point and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Contaminated Land

The proposed development site is not shown to be on land identified as potentially contaminated by its previous use. As the development involves groundworks, KC Environmental Health have recommended a condition in relation to unexpected contamination.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors. Therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Drainage

Policy LP28 of the Kirklees Local Plan establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The applicant states in the application form that the surface water is to be discharged via a soakaway; however, no supporting justification has been provided to confirm that the hierarchy of drainage solutions has been considered. In this instance, it is considered reasonable to impose a condition requiring the drainage strategy for the site to follow the hierarchy of sustainable drainage, in accordance with Policy LP28 of the Kirklees Local Plan.

Biodiversity

It is acknowledged that the site does not fall within the bat alert area or any other biodiversity layer as identified by the Council's GIS mapping system. Therefore, there are no obvious, or detrimental biodiversity constraints at the site. However, a biodiversity net gain will need to be demonstrated at the reserved matters stage to be in accordance with LP30 of the Kirklees Local Plan.

There are no other material planning matters for consideration at this stage.

6. Representations

14 representations were received following the statutory publicity. The comments made have been summarised below:

- Plants and bushes have been cut down and removed recently
Response: *The site is not located within a conservation area and is not protected by a tree preservation order. Therefore, any works to these trees could be undertaken without prior agreement from the Local Authority.*
- Loss of view
Response: *This matter would not constitute a material planning consideration.*
- This property appear to be a low profile dormer type building unlike the proposed dwelling at 18 Ullswater Close
Response: *The proposal's potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*
- Contractor and delivery vehicles attending the proposed new build property will not be able to access the land due to drive width issues and again this will force them to block the existing cul-de-sac

Response: *The proposals potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- My property will almost certainly be devalued if the proposal goes ahead
Response: *This matter would not constitute a material planning consideration.*

- Should there have been a full tree survey before the cutting down and removal of trees

Response: *The site is not located within a conservation area and is not protected by a tree preservation order. Therefore, any works to these tree could be undertaken without prior agreement from the Local Authority.*

- The proposed shared drive means numerous cars will be trying to get down the drive right next to my house

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- The proposal will create additional traffic

Response: *The proposals potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- Access to the proposed area is greatly restricted

Response: *This would be a private matter and would not constitute a material planning consideration.*

- Loss of light

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- Loss of privacy

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- Drains are also an issue as we have very poor drainage in this area

Response: *In terms of drainage, surface water is to be discharged via a soakaway. Appropriate consent would be required from Yorkshire Water and subsequent Building Regulations (separate from the planning application process).*

- Increase overlooking

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- Additional on street parking
Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
- The new layout for vehicle access to the proposed new build is contrived and will be a danger and nuisance.
Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
- There is not sufficient space for vehicles to park outside the property or on the roadside as this would cause an obstruction and prevent others accessing their properties.
Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
- I do not see that 4 vehicles could safely navigate the narrow driveway to access the parking area.
Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
- It is difficult to see how 4 vehicles could fit as the gap between no 18 and no 20 is very narrow
Response: *The proposals potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
- Concerns for the future use of the proposed property.
Response: *It is noted that the application is for residential development and is therefore assessed on this basis.*
- Contractors and delivery vehicles using the cul-de-sac will result in parking issues and will most definitely be detrimental to the safety of the young children who play in the cul-de-sac
Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*
- Adverse effect on wildlife and greenery
Response: *There are no protected flora or fauna known to be on site. Therefore, any works to trees and vegetation could be undertaken without prior agreement from the Local Authority.*
- The removal of so many trees and shrubs will also remove the natural ability of the land to self-manage water levels which could therefore lead to potential flooding or issues with standing water in the immediate vicinity.

Response: *The site does not fall within a flood zone and therefore, the proposed works are not considered to present harm to any neighbouring occupants with regard to flooding. Furthermore, the development proposed is not considered to materially impact on drainage and would be acceptable in this regard.*

- I am also concerned about the hours of work required to erect this proposed property as well as the noise pollution.

Response: *Impacts from construction are temporary and are not material planning considerations*

- The construction of the proposed dwelling has to be considered a fire hazard due to the access restrictions

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- There will be a huge disturbance to my family due to the additional noise as currently there are no vehicles using the rear of the property.

Response: *Impacts from construction are temporary and are not material planning considerations. Furthermore, it is considered that any noise as a result of the proposed development would be of a domestic scale and would not result in detrimental harm to the neighbouring occupants.*

- Any paramedic attendance at the property would be severely hampered by the distance that would need to be covered on foot to and from their vehicle and could therefore prove detrimental to the health and well-being of the patient they are attending.

Response: *This matter would not constitute a material planning consideration.*

7. 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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration. Therefore, the application is recommended for refusal.

Recommendation: Refusal

Decision Authorisation - Delegated Powers

Application Number: 2024/90137

Officer Recommendation: Refuse

Reasons for Refusal

1. The proposed dwelling would be an infill development and would appear as a standalone feature that would not sympathetically integrate with the neighbouring properties and be out of keeping with the character of the area, to the detriment of visual amenity. The proposal is therefore contrary to the aims of Policies LP24(a) of the Kirklees Local Plan, Principles 2 and 5 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
2. The applicant has failed to demonstrate, through submission of a satisfactory site layout, that sufficient parking, turning and manoeuvring space would be available to serve both the existing and proposed

dwellings. To permit the application would be harmful to highway safety and contrary to Policies LP 21 and LP 24 of the Kirklees Local Plan.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Site Plans	23003-BAS-00-00-DR-A-00100-S4	P2	29/01/2024
Proposed Floor Plans	23003-BAS-00-XX-DR-A-20100-S4	P2	29/01/2024
Proposed Elevations	23003-BAS-00-XX-DR-A-20400-S4	P1	29/01/2024
Design and Access Statement	23003	B	19/03/2024
Climate Change Statement	-	-	29/01/2024

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 Planning 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. It was considered that no amendments could be made to overcome the reason for refusal outlined above.

Dated: 22/03/2024