

**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:	2024/62/90364/E
Site Address:	392, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 9EW
Description:	Formation of vehicular access
Recommending Officer:	Elenya Jackson

DECISION - REFUSED

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

Emma Thompson

AUTHORISED OFFICER

Date: 24-Apr-2024

Officer Report

Site Description

The application site relates to 392, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 9EW

It is a two storey end terrace dwelling constructed from natural stone. The site benefits from a strip of amenity space to the front which is partially occupied by a porch extension.

The dwelling is located within a residential area with houses of varying design and appearance. The opposite side of the road is characterised by more modern properties.

Dwellings within the immediate building group of the application site do not benefit from parking to the principal elevation and retain a consistent building line.

There are a few spaces between terrace rows which appear to be utilised for parking. These extend beyond the principal elevation of the dwelling.

The house is not located within a conservation area and does not affect any historic environment/listed building.

Description of Development

The applicant is seeking planning permission for: - Formation of vehicular access to provide two parking spaces to the principal elevation of the dwelling.

The proposal would involve the formation of parking spaces either side of the porch associated with the dwelling.

The vehicle access would require the provision of a dropped crossing to the footway, which no details have been provided for. The submitted plans do not indicate how the proposed parking spaces would be utilised.

The parking spaces are indicated to be 4m X 1.5m however, the indicative site layout demonstrates the overall size of the spaces either side of the existing porch.

History of Negotiations/Amendments Sought

No negotiations

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 5 April 2024 – 1 representation received.

Summary of objection 1

- Concerns regarding highway safety

Consultation Response

KC Highways- informal comments sought – Advice sought informally whereby they confirmed they Object on the basis of inadequate parking and safety concerns regarding the accessing of the site.

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 not allocated in the Kirklees local plan

Kirklees Local Plan

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Legislation

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other Matters
5. Representations
6. Conclusion

1 – Principle of development:

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

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

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

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 – Impact on character and appearance of the area

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.”

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

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

Policy LP24 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...”

Key Design Principles 1 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development keeps with the character of the locality.

The proposal is for vehicular access and would require the removal of a boundary wall to the front of the site to accommodate the parking space. The parking would occupy a large majority of the front garden. Dwellings within the street scene have not removed their boundary treatments to remove their front gardens to provide parking or driveways, meaning this development would be the first of its kind.

Due to the nature of the properties which share a similar characteristic in terms of retaining walls and columns and building lines, it is considered that the formation of parking would look out of place and disrupt the harmony of the existing street scene.

It is considered that the proposed development would appear out of place within the street scene and would not harmonise with the established character.

It is therefore concluded that by virtue of its design the proposed development would have a detrimental visual impact within the street that would not harmonise with the established character and have a harmful visual impact upon the host property and wider locality contrary to policy LP24 of the Kirklees Local Plan, principle 1 of the Council's adopted House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Local Plan states that development should

‘...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.

Due to the nature of the proposed development, it is considered that there would be no undue harm to the neighbouring properties. The formation of vehicular access would not lead to a detrimental overbearing, overshadowing or overlooking impact to any residential amenity and would be acceptable in this regard.

Whilst the proposal intends to use the front garden for the parking, the rear garden would be untouched, resulting in adequate outdoor space retained for current and future occupants, thus complying with principle 7 of the adopted House Extensions and Alterations SPD.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 5, 6 and 7 of the adopted House Extensions and Alterations SPD, and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide SPD which seek to ensure acceptable levels of off-street parking are provided/retained is also considered to be of relevance.

KC Highways were informally consulted on 17.04.2024 due to officer concerns about the proposal. Their response highlighted concerns with the size of the parking spaces being inadequate for modern vehicles, in addition, the submitted drawings and the indicative amendments proposed, do not demonstrate a feasible scheme to use the proposed parking spaces without manoeuvring over a pedestrian footpath.

Furthermore, the submitted plans show the area to be 4m X 1.5m however, this does not account for manoeuvrability when accessing and egressing the site and larger vehicles.

This would result in a high probability that any car using the access and parking would overhang the pavement causing risk to other road users.

Within section 8.43.48 (page 111) of the manual for streets it refers to parallel parking spaces dimensions and states each vehicular spaces would require to be 2m wide by 6m long.

The development is considered to have a harmful impact to access and highway safety contrary to policies LP21 and LP22 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and policies within Chapter 9 of the National Planning Policy Framework.

5 – Other Matters

Climate Change

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates 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. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

6 – Representations:

This planning application received one objection from a neighbouring dwelling relating to highway safety.

Officer response: Having evaluated the proposal within this report, it can be concluded that the proposal would not accord with policy LP21 and LP22 of the Local Plan or chapter 9 of the National Planning Policy Framework.

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.

It is considered that the development would create adverse impacts on the street scene as well as highway safety and the act of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and the adopted Development Plan.

Recommendation

REFUSAL

Decision Authorisation - Delegated Powers

Application Number: 2024/90364

Officer Recommendation: Refuse

Reasons for Refusal

1. By virtue of the design and location, including the removal of the wall and front garden, the proposed development would have a detrimental visual impact within the street that would not harmonise with the established character and have a harmful visual impact upon the host property and wider locality contrary to policy LP24 of the Kirklees Local Plan, principle 1 of the Council's adopted House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.
1. The proposed parking spaces would be insufficient in size and would not be safely accessible due to the requirement of the use of the pedestrian

footpath. The development is considered to have a harmful impact to pedestrians and would not create safe access thereby detrimental to highway safety contrary to policies LP21 and LP22 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and policies within Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan		-	28/02/2024
Block plan		-	28/02/2024

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 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. No alterations requested and The applicant was informed that the proposal could not be supported for highway safety reasons.