

**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:	2024/60/90681/W
Site Address:	adj, 1, Newsome Avenue, Newsome, Huddersfield, HD4 6JW
Description:	Outline planning application for erection of detached dwelling
Recommending Officer:	Lucy Taylor

DECISION – REFUSED

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

John Holmes

AUTHORISED OFFICER

Date: 25-Apr-2024

Officer Report.

Reference: 2024/90681

Location: adj, 1, Newsome Avenue, Newsome, Huddersfield, HD4 6JW

Proposal: Outline planning application for erection of detached dwelling

Site Description.

The site relates to land adjacent to No. 1 Newsome Avenue. The land currently serves No. 1 Newsome Avenue as outdoor amenity space and on-site parking amenity space, with a detached garage also located within the proposed site area.

The site is located within a residential area, with houses to all elevations of the proposed site. Newsome Avenue predominantly hosts two-storey terrace properties, with terrace properties also located to the side and rear of the site.

The application site is located within an area categorised as a 'Dominant Area' within the Castle Hill Settings Study within the Kirklees Local Plan.

Description of Proposal.

The application seeks outline planning permission for the erection of a detached dwelling. All other matters (access, scale, layout, appearance and landscaping) are reserved.

The submission is supported by a location plan, an existing site plan and indicative site plan, a design and access statement and a climate change statement.

The submitted design and access statement outlines that the application seeks approval of the principal of a two-storey detached dwelling.

History of Negotiations / Amendments Received.

Given that this application seeks outline planning permission for the erection of a detached dwelling and therefore, approval in principle for a two-storey detached dwelling, the case officer did not enter into negotiations with the applicant or planning agent, as it was not considered that any amendments could be submitted to overcome the identified concerns.

Relevant Planning History.

No planning history at the application site.

Representations.

The application has been publicised with neighbour notification letters, with the final publicity date expiring 16th April 2024.

Whilst the site is within the Castle Hill Study Area, it is considered that this proposed outline planning application would not result in detrimental impacts upon the significance of this heritage asset or its setting (as discussed below), therefore, it was not considered necessary that the application was publicised by way of site notice or press notice.

In response to publicity, four objections, one general comment and one comment in support was received.

The submitted objections raised the following, summarised concerns, which are considered to be material considerations in the determination of this application (the objections can be viewed in full on the website):

- Loss of privacy to neighbouring properties and neighbouring gardens.
- Loss of light and overshadowing to neighbouring properties and neighbouring gardens.

Officer Note: Whilst the application is outline only with matters of access, scale, layout, appearance and landscaping reserved, matters of overbearing, overshadowing and overlooking have been assessed within the 'Residential Amenity' section of this report.

- Parking issues already present and already dangerous, the corner is busy, and visibility is poor.
- There is no street space left for parking once the front of the property is opened up for driveway space apart from outside other properties, all of which have their own vehicles.

Officer Note: Whilst access and layout are reserved matters, considerations of access and parking have been evaluated within the 'Highway Safety' section of this report.

- Another house where intended to build will not be in keeping with rest of the properties on the street.

Officer Note: Whilst the application is outline only with matters of access, scale, layout, appearance and landscaping reserved, the 'Visual Amenity' of this section makes an assessment of the implications of a new dwelling with regard to the above concern.

- Impact on wildlife e.g. bats and young birds nesting.

Officer Note: Noted. The consultation response from KC Ecology addresses the implications of the development upon ecology. This is explored in depth within the 'Ecology' section of this report.

- View of Castle Hill will be blocked.

Officer Note: This is a consideration to which little weight could be afforded in this case given the nature of the application site, surrounded by existing built form. As such the impact upon views from neighbouring properties, of the wider landscape / vista, is not considered a matter to which significant weight can be afforded as a consideration that is material to the determination of this case.

- Noise and disruption.

Officer Note: Noted. The consultation response from KC Environmental Health addresses the loss of amenity caused by the construction of the development.

The submitted general comment set out the following, which are considered to be material considerations in the determination of this application:

- The development would be out of character for the surrounding area.
- Location is already heavily congested with cars parked on junctions and dropped kerbs, making navigation extremely dangerous.
- Although parking is referenced, it will add to an already chaotic and unsafe area of road.

The submitted supporting comment set out the following summarised points, which are considered to be material considerations in the determination of this application (the supporting comment can be viewed in full on the website):

- Welcome with open arms a development for this unused land. All the adjoining gardens are lengthy and the houses surrounding the land are not too close so there will be little light contamination.
- Looking at the plans, it seems that the developer will use Local Stone to compliment surrounding properties so the development should sit nicely.
- With the addition of off-road parking, have approval.

Parish / Town Council – not applicable.

Consultation Responses.

KC Ecology – No objection subject to conditions regarding an integrated bat box and integral swift box and site clearance.

KC Highways Development Management – Given that sufficient off-street parking is shown to both the proposed and existing dwelling, Highways Development Management have no objection to these proposals.

Recommend the inclusion of a condition regarding surfacing and drainage and an informative regarding the carrying out of works within the highway.

KC Environmental Health – No objection subject to conditions / informative note(s)

Contaminated land: According to records, the site of the proposed development is not on land identified as being potentially contaminated due to its former use, and it is not within 250m of any historic landfill sites. As the proposal is for a sensitive end use and will involve groundworks, KC Environmental Health recommend conditions relating to unexpected contamination being encountered during the construction phase.

Loss of amenity caused by construction: There is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. Therefore, recommend an informative to restrict the times when noisy construction activities (including deliveries) will be permitted.

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

Officer Note: It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval. This is now controlled by Part S of the Building Regulations which came into force in June 2022, and would not be repeated as a planning condition.

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 located within the Holme Valley Corridor Strategic Green Infrastructure Network.

The site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- 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 11 – Housing Mix and Affordable Housing
- LP 20 – Sustainable Travel
- LP 21 – Highway Safety
- LP 22 – Parking Provision
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 35 – Historic Environment
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land

Supplementary Planning Documents:

- Highways Design Guide SPD
- Housebuilders Design Guide SPD

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 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

Other Guidance Documents:

- DCLG: Technical Housing Standards – Nationally Described Space Standards

- MHCLG: National Design Guide
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- 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)

Legislation:

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

Summary of the Principal Planning Issues:

The following matters are considered in the assessment below: -

- 1) Principle of Development
- 2) Scale, design and visual impact of the proposed development (and Historic Environment)
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1) Principle of Development

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
- b) 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.”*

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. The site is approx. 115.59m² as such the proposal would meet the requirements of these policies.

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 officer's assessment.

Taking the above into consideration, the site forms an irregular shaped area of land which is surrounded by residential dwellinghouses and is considered to be within an existing settlement boundary. The site is located approximately 60 metres from Newsome Local Centre and is located close to a bus route which runs along Newsome Road South. Therefore, it is considered that the site is within a sustainable location for new residential development.

The provision of housing does need to be balanced against all material planning considerations outlined above. The conclusion section of this report sets out the conclusions in relation to the principle of development in light of all other materials considerations.

2) Impact on Visual Amenity and Historic Environment

Visual Amenity:

The NPPF does offer 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 also seek to achieve good quality, visually attractive, sustainable designs to correspond with the scale and character 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...”*

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Paragraph 134 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 139 of the NPPF outlines 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. Kirklees has an adopted Housebuilders Design Guide SPD.

Whilst it is acknowledged that the application has scale and appearance as reserved matters, it is important to highlight the below principles from the Council's adopted Housebuilders Design Guide SPD as these will need to be taken into consideration within any subsequent application at the site.

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, complement 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.”*

Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

Principle 8 sets out that proposals should *“demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.”*

Further to this, Principle 13 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.

This is an outline application with all matters reserved (i.e. scale, layout, appearance, access and landscaping), under such an application, officers have to consider whether residential development on the site could be achieved without causing detrimental harm to the character and appearance of the area.

With regard to design, matters of appearance, layout and scale, only limited indicative detail has been provided for comment, but as noted above, Officers are considering whether the principle of any residential development at the site could be acceptable.

The submitted design and access statement sets out that the application seeks approval of the principle of one two-storey detached dwelling.

The proposal would have the subdivision of the curtilage of No.1 Newsome Avenue and would result in the new dwelling being viewed as being within a cramped and obscurely shaped plot, with a layout which contrasts with the existing arrangement of established residential development within the street scene and surrounding area, whereby the established vernacular is terrace properties sited within a similarity sized / shaped plot, which is long and relatively narrow.

Therefore, the arrangement of the proposed dwelling would appear to introduce an incongruous layout in the streetscene, and the development would also result in the host property of No. 1 losing existing spacious setting, afforded by its side garden/generous property gap to the terrace properties which front St Johns Avenue to the site elevation.

As such, the proposal would result in a scheme which relates poorly to its neighbouring properties and detrimentally affects the street scene's established character in relation to the loss of openness to the side of No. 1 Newsome Avenue.

Whilst the indicative layout plan suggests that the property's placement and building line would align with the principal elevation of No. 1 Newsome Avenue, the proposed dwelling would have a projecting gable to the side elevation, creating a prominent protrusion and feature which is out of keeping with the architectural form of properties located along Newsome Avenue.

Given the obscurely shaped arrangement of the site and its cramped appearance, on-site parking would be limited to the frontage, this would see parking to the entire frontage of the proposed dwelling dominated by vehicle clutter and hard surfacing, contrary to Principle 12 of the Housebuilders Design Guide SPD. The effect of this would be worsened by the loss of the existing front garden amenity space to No. 1 Newsome Avenue, whereby compensatory parking is shown to the front elevation of this property on the submitted 'suggested site plan'. As a result the entire frontage of this part of the street would be parking dominated, and the loss of soft landscaping would detract from the character and appearance of the host property and wider street scene.

The indicative 'suggested site plan' shows the relationship of the dwelling to site boundaries and shows the dwelling to have a footprint of approximately ~37.8sqm. It would have its primary elevation set back approximately ~4 metres minimum from the pavement. The new dwelling would meet the newly created shared boundary with No. 1 Newsome Avenue, retaining a separation distance of approximately ~1 metre from the adjacent side elevation of this dwelling. The extent of the new dwelling would nearly meet the shared boundary with No. 10 St Johns Avenue, and it would be located in close proximity to the shared boundaries with the other terrace properties within the same row along St Johns Avenue.

Principle 6 provides guidance to Officers setting out that: *"Space about buildings can also make a positive contribution to local character and street scenes. Normally new build developments should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to scale of the dwellings."*

Specifically, Principle 6 sets out that, for two-storey houses, typical minimum separation distances are advised: *"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 a the new dwelling to a shared boundary."*

Given the constrained and obscurely shaped nature of the site, it is not considered that the proposal could be amended so that it strictly complies with the expected 2 metres distance as set out within Principle 6 of the Housebuilders Design Guide SPD. Therefore, it is considered that a new

dwelling within the proposed site would fail to appear integrated or proportionate when viewed against the broader locality, emphasising the cramped and contrived nature of proposed development.

The impacts of such a close relationship would be furthered by the loss of the existing sense of spaciousness which exists within the plot of No. 1 Newsome Avenue and in relation to neighbouring occupiers / within the wider street as is the case currently.

The proposal seeks to have detached property in between two terrace rows and within a streetscene almost entirely consisting of two-storey terrace properties (excluding only No.'s 2 and 4 Newsome Avenue, which are semi-detached). As such, it is considered that a detached dwelling would appear as a stand-alone feature, that would not sympathetically integrate with surrounding development in the locality. This would fail to provide a positive and coherent identity, appearing contrary to Principles 2 and 6 of the Housebuilders Design Guide SPD.

In conclusion, it is considered that the proposal would significantly harm the character and appearance of the area. Consequently, it would conflict with Policies within Chapter 12 of the National Planning Policy Framework and policies LP1, LP2 and LP24 of the Kirklees Local Plan, adopted 2019 which seek to deliver sustainable development and to protect and enhance local character amongst other matters. The proposal would not adhere to Principles 2, 5, 6 and 12 of the Housebuilders Design Guide Supplementary Planning Document (the SPD) failing to have a coherent and harmonious appearance within the streetscene, sufficient property gap to boundaries, lead to unacceptable levels of hard surfacing to the frontage to accommodate the parking of vehicles to the frontage of the site and no.1 Newsome Avenue.

Historic Environment:

Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Policy LP35 goes on to note that consideration should be given to the need to preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.

The site is some distance away from the Scheduled Ancient Monument (SAM) of Castle Hill, which is approximately 960 metres from the site. Therefore, whilst the application would present a significant extent of built form, been for a new dwelling, given the site is quite some distance away from Castle Hill, it is considered that the proposal would not cause harm to the significance of this Designated Heritage Asset.

3) Impact on Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Further to this, Paragraph 130 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 Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 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 non-habitable rooms;
- 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-metre distance from the side wall of the new dwelling to a shared boundary.

The current submission is an outline application with all matters reserved, but it can be assessed if residential development can be sited on the site without causing undue harm to neighbouring properties.

The proposal is for residential development on land which currently serves as amenity space for No. 1 Newsome Avenue and therefore, the presence of a building could potentially affect the living conditions of the occupants of the existing dwelling of No. 1 Newsome Avenue, as well as the occupants of existing dwellings to the side.

No. 1 Newsome Avenue:

Whilst the proposed dwelling would be sited adjacent to the side elevation of No. 1 Newsome Avenue, upon undertaking a site visit, officers confirmed that the adjacent side elevation of No. 1 to the proposed development hosts only an access door and no glazing. Therefore, it is not considered that the erection of a dwelling, as sited on the submitted 'suggested site plan' would result in undue impacts of overbearing or overshadowing for the occupiers of No. 1 Newsome Avenue.

No details of glazing to the new dwelling have been provided. However, given that no glazing is present to the adjacent side elevation of No. 1, officers consider it possible to erect a dwelling within the siting as shown on the

submitted 'suggested site plan' without facing windows of habitable and non-habitable rooms with No. 1 Newsome Avenue.

Given that the proposed dwelling is to be sited within existing amenity space of No. 1 Newsome Avenue, the proposal has the potential to impact the amenity of the occupiers of this property, particularly with regard to the amount of outdoor amenity space to serve the property as a result of development.

The retained garden space to serve No. 1 Newsome Avenue would have a total footprint of approximately ~90sqm. This is considered to be sufficient to serve the occupiers of No. 1 Newsome Avenue.

No.'s 10a-16 St Johns Avenue:

This row of terrace properties is located to the side elevation of the site.

The proposal would see a two-storey dwelling in close proximity to these terrace properties, in particular, No.'s 10a and 10, where the proposed dwelling would be set in especially close proximity to the rear boundary of curtilage of these properties and therefore, the rear amenity spaces which serve them.

The siting of the proposed dwelling, based on its position in the submitted 'suggested site plan' would be separated from the rear elevation of No.'s 10a and 10 by a minimum distance of approximately 16 metres.

The scale and massing of a new two-storey dwelling is concluded to have an oppressive impact, leading to an unacceptable loss of outlook and overbearing effect on the neighbouring properties of No. 10a and 10 St Johns Avenue.

Furthermore, desktop sunlight calculator software has been used to conclude that, given the proximity of the proposed dwelling to the rear garden amenity spaces of this row of terrace properties, overshadowing is likely to occur to their rear gardens between 13:00-20:00 in the summer months and 12:00-15:30 in the winter months.

It should be noted that the submitted design and access statement sets out that *"the properties on St. Johns Avenue are 15.7m away, but this elevation of the proposal would not require windows."* If windows were not installed to the elevation adjacent to the terrace properties along St Johns Avenue, it is concluded that the dwelling could be acceptable with regards to its impacts upon residential amenity.

Given the proximity of the proposal to this row of terrace properties consisting of No.'s 10a-16 St Johns Avenue and the scale/layout of the proposal, it is considered that there would be a loss of light to their rear garden amenity spaces, which would result from the proposal that would have a detrimental effect on the enjoyment of these properties by the occupiers.

Other Surrounding Properties:

The proposed dwelling would be sited approximately 24 metres from the siting of the front elevation of No. 2 Newsome Avenue, located opposite the site, across the highway of Newsome Avenue.

Properties on Newsome Road South, to the rear of the site, would be located approximately 25 metres from the siting of the proposed dwelling.

As such, it is considered that a scheme could be achieved which would not appear overbearing or have any significant impacts with regards to overshadowing or overlooking with regards to properties to the front and rear of the site.

Overall therefore, based on the above assessment, it is concluded that the proposed development would have a detrimental impact upon the neighbouring occupiers of No.'s 10a-16 St Johns Avenue, contrary to policies within Chapter 12 of the NPPF, policy LP24 of the Kirklees Local Plan and principle 6 of the Housebuilders Design Guide SPD.

Future Amenity of the Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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.”* 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.”*

Officers would wish to draw the applicant's attention to the Government's 'Technical Space Standards', which outlines the minimum gross internal floor areas that dwellings of different sizes should achieve. The Council would wish to see the proposals to meet or exceed these minimum floorspaces within any future reserved matters application. It is also noted that should any living accommodation be provided within the roof space of the dwelling(s) any area with a headroom which is less than 1.5m high will not be counted as useable internal floor area.

In addition, the applicant should ensure that all habitable rooms have access to at least 1 window.

In terms of external amenity space, the submitted 'suggested site plan' shows a restricted rear garden to serve the dwellinghouse, with a total footprint of

approximately 40sqm. When compared to the footprint of neighbouring gardens, this is relatively small. In addition, the rear garden is shown to be of an obscure shape with an angled rear boundary, which would work to further restrict the extent of useable outdoor amenity space.

Given the limited extent of outdoor amenity space shown as a result of the layout of the proposed residential development, it is not considered that it would be adequately usable for future occupiers. Therefore, the proposal would be considered contrary to policy LP24b of the Kirklees Local Plan, Principle 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

4) Impact on Highway Safety

Turning to 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. 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.

Principle 12 of the Housebuilders Design Guide states that at the outset of the development, applicants should identify the need for car parking, in addition this principle requires the provision of cycle storage and to avoid parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings.

Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene at front.

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

Whilst access is a reserved matter within this outline planning application, the submitted plans indicate that the existing vehicular access from Newsome Avenue will be retained.

An indicative area for parking 2 cars has been shown. Two parking spaces are also shown for the existing dwelling within the existing front garden.

KC Highways Development Management were formally consulted and provided the following concluding comment: *“Given that sufficient off-street parking is shown to both the proposed and existing dwelling, Highways Development Management have no objection to these proposals.”*

Whilst there is no objection from the Highways Team to the access and highway safety impact of the development, and it is likely the development could operate in such that parking and bin storage could be provided within the site. Previously raised concerns in relation to visual amenity and overdominance of hard surfacing and vehicles with the visual intensification of parking to the front of both No. 1 Newsome Avenue and the proposed dwelling remain.

5) Other Matters

Air Quality:

Policy LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the NPPF seek to ensure that new development does not result, directly or indirectly, in an increase in air pollution.

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

This is now controlled by Part S of the Building Regulations which came into force in June 2022, and would not be repeated as a planning condition.

Foul Sewage:

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure it is considered that foul and surface water drainage can be suitably accommodated as part of the development.

Strategic Green Infrastructure Network / Ecology:

Chapter 15 of the NPPF is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided. The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the

advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

KC Ecology were formally consulted as part of this application, concluding that they have no objection to the scheme, subject to the inclusion of conditions regarding an integrated bat box and integral swift box and site clearance.

Therefore, with the inclusion of the aforementioned policies, it is considered that the proposal would accord with policies LP30 and LP31 of the Kirklees Local Plan, Chapter 15 of the NPPF and Principle 9 of the Housebuilders Design Guide SPD.

Contaminated Land:

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

According to records, the site of the proposed development is not on land identified as being potentially contaminated due to its former use, and it is not within 250m of any historic landfill sites. As the proposal is for a sensitive end use and will involve groundworks, KC Environmental Health recommend conditions relating to unexpected contamination being encountered during the construction phase.

On the basis of the inclusion of the conditions relating to land quality, recommended by the Environmental Health Team, it is considered the impact of the proposal would be acceptable having regard to land quality.

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.

Policy LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

As part of this application, a Climate Change Statement was submitted, which set out various mitigation measures.

Given the scale and nature of the proposal, and the submitted statement, Officers are satisfied that the building would not harm the climate change agenda on this occasion. The proposed development would therefore comply with Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

6) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

On the basis of the conclusions drawn within the 'Visual Amenity' and the 'Residential Amenity' section of this report insofar as the development is not considered to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 2, 5, 6 and 12 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

It is considered that, whilst this application is seeking outline consent with all matters reserved, the LPA is required to assess whether the site has the potential to accommodate development whereby the detailed scheme submitted at the reserved matters stage could be considered to satisfactorily address those matters. In this case it is considered that the development of the land for one dwelling would have a harmful visual impact and harmful impact upon neighbouring / future occupiers.

It is considered there is a significantly limited way in which the land could be developed and even if it were sought to be a single storey design, the issues

identified would remain. Furthermore, it is considered there is a high likelihood other issues (such as the space standard provided) could be introduced were the site to be developed on a single storey design basis.

Whilst weight is afforded the fact that the Council cannot demonstrate a 5-year housing land supply, the 'tilted balance' has been engaged in the consideration of this application. Given the restrictions of the site, it is concluded that the visual harm and impact of the proposal upon the residential amenity of future / neighbouring occupiers that would arise as a result of the proposal would significantly and demonstrably outweigh the benefits of the provision of residential development on the site, even at a time of local and national shortage.

Taking into account all material considerations and with this appropriate reasoning, it is recommended that the application be refused notwithstanding the tilted balance being engaged.

Recommendation: Refuse

Decision Authorisation – Delegated Powers

Application Number: 2024/90681

Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed development would lead to residential development of the site that would appear cramped, failing to harmonise with the character of the street, having an insufficient property gap to the boundaries of the site and which would lead to unacceptable levels of hard surfacing to the frontage to accommodate the parking of vehicles to the frontage of the site and no.1 Newsome Avenue. To approve the development would cause unacceptable visual harm contrary to policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 2, 5, 6 and 12 of the Housebuilders Design Guide Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.
2. The development would lead to a structure which leads to an unacceptable level of bulk and massing, in proximity to the row properties '10a-16 St Johns Avenue' leading to an unduly overbearing development that causes a detrimental loss of outlook and undue levels of overshadowing to the rear garden amenity spaces these properties. To approve this development would cause detrimental harm to the residential amenity of the occupiers of properties '10a-16 St John Avenue' contrary to Kirklees Local Plan Policy LP24, Principle 6 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.
3. The development would present a poor standard of amenity for future occupiers, by reason of the restricted amount and layout of outdoor

amenity space which would be provided. Therefore, the development would be contrary to policy LP24b of the Kirklees Local Plan, Principle 17 of the Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Outline Planning	(0-) 01	A	12.03.24
Design and Access Statement	252	-	12.03.24
Climate Change Statement	-	-	07.03.24

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

Given that this application seeks outline planning permission for the erection of a detached dwelling and therefore, approval in principle for a two-storey detached dwelling, the case officer did not enter into negotiations with the applicant or planning agent, as it was not considered that any amendments could be submitted to overcome the reason for refusal within the remit of the applicant or description of proposal.

Report Dated:

22.04.24