

**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:	<b>2024/60/90885/W</b>
Site Address:	rear of, 20-30, Radcliffe Road, Wellhouse, Huddersfield, HD7 4EX
Description:	Outline application for erection of residential development (within a Conservation Area)
Recommending Officer:	Tom Hunt

**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: 03-Jul-2024**

## Officer Report

### Site Description

2024/90885 – rear of, 20-30, Radcliffe Road, Wellhouse, Huddersfield, HD7 4EX

The application site relates to a U-shaped, green field plot of land to the rear of a row of terraced housing. It is on raised ground in relation to the highway and the dwellinghouses, the northeast area has a track with access to the road and the southwest area has a retaining wall (1.5m height) adjacent to the highway. It is a prominent and exposed plot being clearly viewed on approach to Wellhouse from the southwest. There is a substantial mature sycamore just outside the plot to its northwest boundary.

The site is within Wellhouse Conservation Area and is surrounded by Green Belt land. There are Grade II Listed Buildings to the southeast and northeast of the site however they are separated by distance on lower hillside land or surrounding dwellinghouses to not appear significantly associated with the plot.

The area is residential with a strong characteristic of terraced housing in the immediate area set close to the highway and a linear roofing line following the hillside contours. To the northeast, properties have a more mixed urban grain appearing predominantly terraced with a more spacious quality of openness as demonstrated by open land for parking and varying positions/orientations to the highway. Later development, further east/northeast, has larger detached properties with larger plots/amenity spaces. There are some examples of existing detached dwellinghouses in the locality. The predominant material palette is natural stone with slate roof, traditionally built with a linear pitched roof design.

### Description of Proposal

Outline application for erection of residential development (within a Conservation Area)

Matters to be considered are Access and Layout.

**Officer note:** Layout was requested as a required matter to evaluate the impact of the development on nearby neighbouring properties and to the protected identified tree. This was accepted by the agent.

Access would be off a Classified C Road C556 otherwise known as Radcliffe Road. This would make use of a track (northeast of the site) which cuts into the ground significantly however still has a sharp gradient. This would have a T shaped access road with two turning points/areas and would have its main spine extending southwest towards a proposed dwellinghouse and adjacent to the rear gardens of the terraced dwellinghouses separated by an indicative row of hedging. This would appear to largely encircle the existing terraced row toward the back with a large area of hardstanding for access. The gradients to

the proposed driveway access are not specified or demonstrated fully. From the section provided, these are likely to be approximately 1 in 4 to 1 in 5 ( 20 to 25%).

On the layout plan and Design and Access Statement, it is proposed to erect a detached, two-storey dwellinghouse to the southwest of the site sitting behind the row of terraced dwellinghouses. This would be of L shaped plan form with its northeast elevation sited just behind the rear elevation of the terraced row, so as to have built development close to the rear garden and projecting southwest forward of the side elevation of no. 30.

The plan design indicates that on the approach to the village from the southwest, the dwelling would have its southwest elevation appearing as 12.2m depth, northwest elevation 13.1m wide, and 7.8m wide to its southeast and northeast ends. A small area of hardstanding would be created surrounding the L shape plan form to allow walkable paths around.

From the indicative details, the dwelling house would have a gable roof frontage to its southeast end and hipped end roof design to its northeast end; the latter appears to serve as the principal elevation as demonstrated by its parking area for two vehicles adjacent. There are no other paths or means of access proposed other than a footpath to the side of the northeast access road. Indicative details suggest that the dwellinghouse would be modestly split level, cutting into the sloping ground as it falls from northwest to southeast at the highway.

The indicative occupancy level of the dwelling is suggested to be a 4 bed 7 person house as stated in the Design and Access Statement. 4 parking spaces are proposed. Materials have not been indicated.

### **History of negotiations/amendments received**

The Case Officer advised of the likely refusal of the application on access and layout. Additional requests for information were made to the agent on request and further discussion with KC Highway Safety confirmed that the principle of the development was not supported or feasible.

### **Relevant Planning History**

No previous planning or pre-planning applications for this site.

### **Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and press publicity which had a final expiry date of 11 May 2024.

20 representations have been received (of which one was signed by five addresses and another was resubmitted and signed by an additional two

addresses), 19 of those were Objections; a summary of the comments received is set out below:

**Objections:**

- Flooding in cellars and Drainage issues
- Potentially unidentified wells are present

**Officer note:** The site is within a low probability area for flooding and does not affect watercourses. Conditions can be attached to ensure that the access surface is properly drained in accordance with Government guidelines.

- Parking is an ongoing problem on Radcliffe Road with a school nearby and limited width of the highway causing friction
- HGVs used for construction can affect the safe functioning of the highway.
- Loss of car parking spaces through displacement which will lead to criminal activity
- Lack of visibility from the access road/blind spots
- Highway safety would be affected by mud and construction effects
- Access to rear compromised for emergency services
- Highway at capacity
- Highway users, including children, would be affected
- Needs traffic control system
- Using the access for parking was not previously permitted by the Council due to impact on highway safety.
- Erroneous claim that the area has been used for parking, the previous owner did not allow this and so neighbours adapted accordingly. Site was not formally used for parking.
- Claim that the rear had been used for coal delivery is incorrect (as demonstrated by coal chutes being to the front of properties)
- Bins would impact detrimentally on highway safety
- Construction surveys and vehicle tracking have not been supplied.

**Officer note:** The Highway Development Management Officer has been consulted. Discussed within the Highway Safety Section of the report.

- Access has not been agreed with neighbours.

**Officer note:** This is a private matter and not subject to planning management. This cannot be assessed as a planning material consideration.

- Site is in a Conservation Area, contributing to an attractive view as visitors approach from the southwest
- Development not in keeping with the area
- Restoration of existing properties to be brought back into use preferred

- What is the point of Conservation Area if development on agricultural land is permitted

**Officer note:** Conservation Area designation does not prevent development but generally seeks to ensure that new development would be in keeping with the area as far as is practicable; any harm to the Conservation Area would require clear and demonstrable public benefits to be supported. Applications are assessed on their own merits; whilst 'restoration' or bringing a property back into use is preferred, this does not preclude new housing developments. This is assessed in greater depth within the 'Assessment' section of this report.

- The site is designated Green Belt.

**Officer note:** the site adjacent rather than within the Green Belt.

- Publicity posted by Objectors were removed.
- Statutory publicity notices were not posted/displayed.

**Officer note:** The Council has restricted powers over control of unauthorised temporary publicity in this regard and cannot take this into consideration. Statutory notices have been publicised by press and site notice (which have been recorded); the Development Management Procedure Order does not impose a duty on Councils to monitor and replace Notices that have been removed by third parties.

- The development would devalue nearby properties.

**Officer note:** this a consideration that, given the scale / nature of the proposal, is not be afforded significant weight in the determination of this application.

- Residential amenity would be affected with loss of privacy, overlooking, overshadowing, light and noise pollution
- Construction and its associated effects will cause chaos

**Officer note:** It is noted that construction is a temporary effect; for the small scale proposed development, an informative could be attached to limit those effects to set hours to limit impact on residential amenity. Impact upon amenity is addressed in greater detail in the 'Assessment' section of this report.

- Previous planning applications have been refused.

**Officer note:** All applications are assessed on their own merits against local and national planning policy with regard to relevant legislation.

- Impact on wildlife and biodiversity with protected species
- Removal of 50% of habitat/natural landscape

- Potential impact to environment through improper storage of heavy plant equipment

**Officer note:** Ecological matters are addressed in the 'Other Matters' section of the report.

- Loss of natural beauty
- Harm to area through hardstanding and isolated form of development.
- Insufficient information to assess visual impact
- Precedents stated in submission are not directly relevant

**Officer note:** This is an Outline application with some matters reserved to be assessed at a future date, should Outline Permission be granted. Visual amenity, as far as Officers are permitted to, would be assessed in the 'Assessment' section.

- Impact on protected tree

**Officer note:** This is an Outline application which may have its layout impacting on the Tree. An Arboricultural Impact Assessment has been requested to determine whether the layout would adequately avoid impact to the tree. This is addressed in greater detail in the 'Impact upon Trees' section of this report.

- Extent of ground engineering is not fully understood.
- Engineering works had taken place with the access road and hillside topography being cut into.
- Risk of subsidence
- Retaining wall could collapse

**Officer note:** the Highway Structures Officer has been consulted and did not raise concerns regarding the retaining wall. In this instance engineering works would be the private responsibility of the applicant and developer to ensure safe engineering works are carried out in accordance with Chapter 15 of the NPPF.

- This will lead to more development of the area by new build housing, none of which will be affordable.
- Would lead to urban sprawl and merging of clusters of development
- Siet would have loss of agricultural land

**Officer note:** This application is assessed on the basis of the submitted information and the merits of the scheme, as set out in the 'Assessment' section of this report.

- The number of bedrooms is not set out in the application form.
- Property will not deliver affordable housing

**Officer note:** Stating the expected occupancy level is not a requirement of this type of application at Outline stage however the Design and Access Statement suggests the expected occupancy level. The scale of development is such that there is not a requirement for the provision of

affordable housing (given the extent of residential development could be restricted to 1.no dwelling).

**Support:**

- The area needs new housing, the site is not within Green Belt land and is 'unadopted' therefore development in keeping with the area should be allowed.

**Officer note:** All applications within Kirklees are determined in accordance with the Kirklees Local Plan and the National Planning Policy Framework, unless other material considerations indicate otherwise. It follows that the principle of housing on the land may be supported unless planning material considerations are identified that cannot be overcome which is assessed in the following report.

- The access road leading to the field is established and had been previously used for coal delivery (as stated in the supporting information). This access would remain even if the application is refused.

**Officer note:** The Highway Development Management Officer has been consulted. Discussed within the Highway Safety Section of the report.

Amended plans were received however they were not readvertised as they did not change the description of development and did not significantly alter the scheme from that as initially advertised. As such it is considered the public was adequately alerted to the nature of the development proposal in this case.

**Consultation Responses**

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

- Highways Development Management – Object. Discussed further in the Highway Safety section of the report.
- Trees – Concerns raised over proximity of dwelling (demonstrated by layout) to protected tree. Arboricultural Impact Assessment recommended to assess impact.
- Environmental Health – Confirmed that they had no objections or concerns subject to inclusion of a condition and an informative note relating to unexpected land contamination.
- Waste Management – Advice provided.
- Conservation & Design – Objection.

**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 27<sup>th</sup> February 2019).

The site is in the Wellhouse Conservation Area and surrounded by the Green Belt (except to northeast) on the Kirklees Local Plan.

It is within Bat Alert and Twite buffer layers.

It is not within a Coal high risk / standing advice area or within an identified risk area for historic gas and landfill.

It is within Flood Zone 1.

### **Kirklees Local Plan (LP):**

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 7 – Efficient and effective use of land and buildings
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 33 – Trees
- LP 34 – Conserving and enhancing the water environment
- LP 35 – Historic Environment
- LP 43 – Waste management hierarchy
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

### **Supplementary Planning Guidance and other considerations**

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Planning (Listed Building & Conservation Areas) Act (1990)

### **National Policies and Guidance:**

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

published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and heritage amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology
- 6) Representations
- 7) Conclusion

### 1 – Principle of development:

#### *1.1 Sustainable Development*

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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 Principles in the Housebuilders Design Guide SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

## *1.2 Housing Supply*

The February 2024 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.’

Policy generally seeks to support residential development upon unallocated sites. However, Policy LP7 establishes a desired target density of 35 dwellings per hectare unless the individual site characteristics dictate a lower density of development. This is further clarified by Principle 4 of the Housebuilders Design Guide which states that densities lower than 35 per hectare are only permitted in line with Local Plan Policy LP7.

It is noted the new proposed dwellinghouse would be within a settlement boundary, in a relatively sustainable location with hourly public transport and a school nearby. It would be approximately over 580m distance as the crow flies from the nearest Local Centre at Linthwaite and over 800m to Golcar Local Centre. Due to the topography and distance from amenities, it is likely that the site would be car dependent. As the application site is on significant higher ground to the highway, is relatively narrow with an unadopted road, it is considered that the site is very constrained in achieving a higher density, due to issues in relation to highway safety, and in this case the density of the development could be considered to be suitable.

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.

### 1.3 – Heritage

The site is located within Wellhouse Conservation Area and there are Grade II Listed Buildings in the locality partially screened by built development or topography. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. Section 66 of the Act sets out a duty for local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Sections 72 and 66 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*. This is mirrored in paragraph 208 in Chapter 16 of the NPPF.

Paragraph 203 goes on and states that Local planning authorities should consider:

*“the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness”* when determining these applications.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

## 2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, the Principles in the Housebuilders Design Guide SPD and Chapters 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it

fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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.”

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.”*

Amongst other considerations, Principle 6 sets out that *“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.”* In addition to this, Principle 15 states that the design of the roofline should relate well to site context. 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.

Relevant to this site on an elevated area, Officers are guided to have regard to the transition of urban to open land where development is located on the edge of the urban area and that applicants should demonstrate how development respects the topography of the site and its surroundings under Principle 8.

Due to its siting and proximity on a very exposed and elevated plot, it would appear strongly associated with the linear row of terraced housing at nos 20-30. Being on the main approach to Wellhouse Conservation Area, relatively close to Listed Buildings, development should be particularly sensitive to its historic setting taking care not to harmfully erode the special character of the heritage assets.

The proposal’s layout indicates that it would have a large L shaped plan form encroaching to the southwest of the field, and therefore forward of and set back behind the terraced neighbouring row; as such it would not have a coherent building line. By its footprint, it would appear to be a substantially larger scale to its neighbouring properties as demonstrated by its significant depth and width. Indicative cross-sectional drawings suggest a two-storey dwellinghouse, with an overall height exceeding the terraced row being on significantly elevated land and introducing a strongly discordant and prominent feature in its non-linear roof design.

On the prominent approach to Wellhouse Conservation Area from the southwest, being on elevated ground, it would appear as a dominant addition set close at ~3.8m to the rear elevation of the terraced row, leading to an impression of visually encroaching to neighbours. Viewed from the streetscene elevation, its property gap to flank boundaries would comply with Principle 6 in that it would be arranged ~2m from the side elevation of the terraced row however the awkward closeness of the property to the rear of neighbours cannot be considered acceptable as it would appear visually overbearing and harmfully erode openness with its unsympathetic transition from open land to urban land. It is noted that the northeast end is suggested to be roofed with a hipped form, marginally reducing bulk and massing however this would not significantly address Officer concerns.

Whilst Officers consider that some sense of openness would be lost with a development within the site, the awkward and isolated proposed layout significantly behind the established strong building line and forward of the neighbouring side elevation indicates that the visual impact would be significant. Even as the scale of the building could be reduced to a one storey dwelling, this would still appear, by its orientation, position and proximity to the terraced housing on a prominent plot, as an isolated form of development.

The layout of the required new formal access road would encircle the terraced row of properties with its road and turning heads and would introduce a significant quantity of hardstanding to a green field. Indicative landscaping on the Layout plan suggests that this could be part obscured by hedging or some green screening. It is strongly evident that the amount of hardstanding proposed to one isolated dwelling sited at this location would appear entirely out of keeping with its pleasant semi-rural setting introducing strongly urbanising features and would appear incongruous with its setting.

The submitted Design and Access Statement provides no detail on the materials and other expected architectural features such as fenestration for the corner plot however Officers expect that those should be of materials and a sympathetic fenestration design to comply with Principles 5, 13 and 14 of the SPD. This can be further assessed at reserved matters stage.

Turning to the Conservation Area and nearby Listed Buildings, the proposal's discordant and intrusive layout and design on elevated ground would fail to sympathetically integrate itself with the characteristically simple, linear architectural forms indicated by both the Listed Buildings and original terraced rows on a prominent approach to the Area. This is demonstrated by its layout and access which would not follow the existing examples of historic development which are typically set close to the highway and have a linear roofing line following the hillside contours. As such, on the basis of submitted layout plans following review by the Conservation & Design Officer, there would be less than substantial harm identified as the proposal would not reinforce or enhance the local distinctiveness of its heritage assets. This would require public benefits to clearly and demonstrably outweigh the harm to heritage assets. The submitted information do not include an assessment of its impact on Heritage Amenity; any forthcoming re-submission should suitably address how the design is informed by the heritage assets to accord with Principle 2 of the Housebuilders Design Guide SPD, LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF. On the basis of supplied evidence, Officers are unable to accept the provision of one market house as

sufficient public benefit alone to clearly outweigh the harm to Wellhouse Conservation Area and the Grade II Listed Buildings. In addition with failing to accord with the policies set out, it also fails to meet the tests of 66(1) or 72 (1) of the Planning (Listed Building and Conservation Areas) Act.

As such, the proposed layout and access arrangements of the development, by virtue of its prominent position on elevated ground, large and uncharacteristic layout, hard surfacing dominating the site and closeness to neighbouring properties, would appear as an isolated and incongruous visual intrusion in the locality, detrimental to the visual amenities and overall historic character and appearance of the Wellhouse Conservation Area. The proposal would fail to reinforce or enhance the local distinctiveness of its heritage assets. The proposal is therefore considered contrary to Policies LP02, LP24a and LP35 of the Kirklees Local Plan, Principles 2 and 5 of the Housebuilders Design Guide SPD, Chapters 12 and 16 of the National Planning Policy Framework and the tests of 66(1) or 72 (1) of the Planning (Listed Building and Conservation Areas) Act.

### 3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

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

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 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 SPD seeks to ensure that housing maintains high standards of residential amenity by setting the relevant recommended separation distances:

- 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;
- 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

As previously stated, the proposed layout would comply with the minimum 2m to both flank boundaries for two-storey dwellings however its closeness to neighbouring rear elevations would introduce a harmful overbearing impact to no.s 30-26.

The layout strongly demonstrates that it would not introduce directly facing windows to neighbours and the side elevation of no. 30 is windowless. Officers still have strong concerns over the proposed relationship between neighbouring properties given the proximity of the dwelling with regard to

introducing a significant degree of overlooking to closely set neighbouring gardens. It is considered a condition requiring obscure glazing or landscaping would not suitably mitigate the identified harm. The proposal is therefore considered to cause undue harm to no.s 30-26's rear private garden in terms of overlooking and loss of privacy.

In addition, the layout of the development and its suggested two-storey scale to the northwest of the row of properties indicates that there is some potential to overshadow the private rear gardens of no.s 30-26. The L shape plan form and suggested hipped roof design at the northeast end would mitigate the impact of the bulk and massing to some degree, however its close position and orientation and the suggested two-storey dwelling to the northerly facing rear gardens and elevations of no.s 30-28 would reduce existing levels of light and overshadow to a harmful degree.

The proposed layout of the property is, on balance of probabilities, intended to maximise views and to avoid overlooking to nearby residents as much as possible by its off-set southwesterly position within the plot. Officers would raise concerns over residential amenity, in particular overlooking and loss of privacy to no.s 20-30, should the dwelling be located behind the terraced row due to the proximity and narrowness of the site.

#### *Other Residential Properties*

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

#### *Noise and associated effects*

Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Kirklees Council Environmental Health were consulted and raised no concerns with regard to noise and light pollution. As previously noted, the limited scale of the development and expected temporary limited period of construction would not give rise to an unacceptable level of noise and other nuisances over an extended time so as to require those being limited by condition. Should the proposal be acceptable, Officers would recommend a footnote attached to the Decision highlighting Kirklees Council powers over limiting undue impacts of construction for residential amenity and to accord with LP52 of the Kirklees Local Plan. It is also noted that effects of construction is a matter of concern to some third parties, but this temporary

effect is not considered to be such that it would be reasonable to impose controls during the construction phase in this case, given the scale of the development proposal.

Third parties have raised concerns over light pollution, there would be additional light pollution from one dwellinghouse and occasional use of cars on elevated ground in relation to the rear elevation of the terraced row. However this would not be significant enough to require a lighting plan or landscaping plan to be submitted in order to specifically address those concerns for the reserved matters stage.

#### *Future 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.”*

The proposal's layout suggests that it would have a strong likelihood of meeting meet the aims of Principle 16 in this respect, subject to submission of reserved matters to demonstrate adequate day lighting and floorspace to bedrooms. Regarding Principle 17, the layout would provide a relatively private space to the northwest of the bulk and massing of the dwellinghouse (whether it be two-storey or one), screening this area from neighbours for future occupants.

It is therefore considered, that the proposed dwelling, by virtue of the close proximity of the proposed dwelling to the private rear amenity spaces of no.s 26-30 Radcliffe Road would cause undue harm in terms of loss of privacy and overlooking and to harmfully overshadow their northerly facing gardens to cumulatively be unacceptable. This would be contrary to Policy LP24b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

#### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and 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 and Principles 12 and 19 of the Housebuilders Design Guide SPD which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking.

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.”*

The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited. For a 4 plus bedroom dwelling, it should have three off street parking spaces to achieve this aim.

The proposal would adequately supply 4 off street parking spaces, which could meet Highways Design Guide SPD internal space standards, for the expected occupancy for this dwellinghouse and modern vehicles. The Layout does not set out an indicated bin layout or presentation point to ensure efficient collection of waste and safe functioning of the highway.

The proposal would not have a high frequency of traffic expected from one dwelling and makes use of an existing informal single access track which would be for its private use.

Concerning sharing neighbouring access and the likely private right of way with the retention of an existing stepped footway, on the balance of probabilities, the access road would have some impact on the present arrangement. This would be a civil matter and that the applicant should ensure that this access for its neighbouring properties is not obstructed. Should permission be forthcoming, an informative would be included to this effect.

The proposal would require changes to the access within the adopted highway fronting the property which would need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). A footnote would be attached to the permission with regard to obtaining approval of the construction specification for the safe functioning of the highway. Interference with the highway without such permission is an offence which could lead to prosecution. It is noted that the access has been recently altered, presumably to aid development, however it remains to be fully determined whether this would be defined as engineering works as a matter of fact and degree.

Numerous third parties raised concerns regarding parking, traffic, access and visibility issues. The Highway Development Management Officer was formally consulted and also consulted Highway Safety Officers to consider those as follows and to consider a TRO to facilitate the development.

This is a proposal for a single residential dwelling with access to be taken from Radcliffe Road, between no.s 18 and 20, Radcliffe Road. Radcliffe Road forms part of a route linking Golcar with Slaithwaite and traffic volumes are therefore likely to be relatively high. This section of Radcliffe Road is straight with good forward visibility which could encourage speed. It is noted that no.s 2-18 Radcliffe Road have some off-street parking within their front amenity areas aiding in some reduction of on street parking demand. The immediate stretch of highway is dominated by on street parking for the terraced row and also for the School high intensity parking demands; it follows that this on-street parking would reduce the available width of the highway escalating the likelihood of competing drivers and congestion.

A Transport Note has been provided, prepared by TSP, to demonstrate that the impact of a residential dwelling taking access from this point would be acceptable.

This Transport Note is summarised as follows.

1. The access has been used for parking and for serving the storage / agricultural land.

**Highway Development Management Officer Response:** The evidence submitted, for the access used previously for parking, are screenshots from aerial maps. Later photographic evidence indicate that this is no longer the case.

**Officer note:** Design and Access Statement photographs (page 7) clearly show that the access did not have engineering works carried out to it with a grassed, undulating appearance with a limited parking track the length of two vehicles. This is confirmed by Streetview visual surveys from June 2009 to May 2023. Reviewing Council aerial surveys, the site had been greenfield not used for parking between 2000 and 2021, except for the limited track appearing in 2009. Officers concur with the agent response concerning tyre marks shown but the available evidence suggests that only a limited section of the track was used for informal parking. Photographs from representations and Officer visual site appraisals both confirm that engineering works have been carried out cutting into the hillside significantly with a new gate installed.

2. There have been no recorded injury accidents over the last five years within 100m of the access.

**Highway Safety Officer Response:** No record of injury collisions from history and no parking complaints received in this area.

3. It is proposed to provide an access with a minimum width of 4.8m into the site between 18 and 20 Radcliffe Road. The 4.8m wide carriageway will enable two-way vehicle movements and, therefore, vehicles will not need to reverse onto the Radcliffe Road in the event of a vehicle egressing from the site. Should the site be granted outline consent, as part of the reserved matters application, turning

facilities will be provided within the site for a fire tender and demonstrated with swept path analysis.

**Highway Development Management Officer Additional Response:** The layout will enable two-way vehicle movements and entry of the highway from the dwelling in forward gear. The gradients to the proposed driveway access are not specified. From the section provided, these are likely to be approximately 1 in 4 to 1 in 5 ( 20 to 25%) which are excessive and not considered acceptable. A width of 4.8m at the access is technically sufficient to allow 2 vehicles to pass, however with the on-street parking that occurs opposite turning movements will be difficult and unlikely to be possible for a fire tender.

**Agent Response:** The agent confirmed that the layout could be altered to move the building closer to the terraced row so that a fire tender can access the property from the roadside (which would allow the driveway to be solely for residential access). In addition, S106 contributions to a TRO and traffic calming were signalled as potential solutions.

**Highway Safety Officer Response:** Gradients are agreed to be a problem. The site would need a relatively flat dwell area close to the main road, and by the time that was provided (which would also not help with visibility), the gradient would be excessive. The site is an exposed location and in the winter, would cause associated problems with slippage and grip.

**Officer note:** this was later confirmed to the agents that the maximum acceptable gradient is 1 in 8.

4. Planning history of the site and precedence across Kirklees. Other applications have recently been approved in Kirklees, with not dissimilar characteristics to the development being proposed, particularly in relation to the lack of visibility from the access for vehicles emerging and for vehicles approaching to be able to see oncoming vehicles.

Application no. 2020/60/93470/W – Land Off, Upperthong Lane, Upperthong.

Application no: 2023/62/91929/E – Rear of 1, West View, Leak Hall Road, Denby Dale.

**Highway Development Management Officer Response:** The Planning permissions at Upperthong Lane and Leak Hall Road are examples where planning permission has been granted with poor viability but are not equivalent as they were to highways of very low speed and lightly trafficked.

**Agent Response:** This was disputed, stating that converging roads, footways limited to one side of the highway and poor visibility to a busy trafficked link between Upperthong Village and Holmfirth town centre.

**Officer note:** This is a noted residential suburban link to Upperthong, a suburb of Holmfirth and the Town Centre. Radcliffe Road is a Classified C Road and is the main connector link for Wellhouse. Whilst Upperthong Lane is on a hillside, the access is relatively level in relation to the highway, serves a residential suburban connector route with lower levels of through traffic; for these reasons, Upperthong Lane is not directly comparable to Radcliffe Road.

Considering the access road between two terraced rows, this would require adequate visibility and clearance of the highway to keep an area clear on either side of the road (which would displace existing parking arrangements). Highway Safety Officers agreed that visibility is likely to be very problematic – the applicant cannot build out from the north side to improve it, because of the lack of width/space. Highway Safety commented that traffic calming is unlikely to be feasible. In the event that 85th percentile speeds were predicted to be 25mph (i.e. through road humps), the access would still need 2.4m x 45m splays, which appears to be unachievable.

As evidenced by third party concerns, this is an area where on street parking is already restricted with no alternative parking sites and highly valued. Highway Safety confirmed that there had been no complaints about parking and as such there would be insufficient grounds to support a TRO to remove parking. If vertical measures are proposed for traffic calming and a TRO to remove parking then this would require £13,550 to advertise the two separate TROs plus the cost of any installation. In addition, it is likely that a new access on the other side of the plot to the highway will have the same issues raised.

In relation to point 3 of the Transport Note, a revised layout sited closer to the highway may achieve some degree of acceptability on highway safety grounds with regard to fire tenders. However, this would still appear to cause significant concerns in relation to visual amenity and heritage amenity and may introduce concerns with regard to the retaining wall. It would still have an unacceptable impact on highway safety with regard to road gradients and visibility, and that the residual cumulative impacts on the road network could not be feasibly managed though TROs displacing on street parking to mitigate its excessive impacts for the marginal benefit of one dwelling house.

Representations raised concerns over impacts of construction and mud tracked onto the highway however this can be suitably managed by condition in the event of approval. In addition, points were raised that the access for parking/dwellinghouse were not previously permitted by the Council; there does not appear to be formal records of this and no mention was made by Highways in this regard. It is noted that the access for an intensified use constrained by on street parking and high speeds on a relatively straight road would not adequately provide good visibility standards. Construction surveys and vehicle tracking were requested by third parties however for the limited scale of the development, this is not required at outline stage.

Officers are unable to assess bin arrangements, it is noted that the distance between the dwellinghouse and steep gradient of the access would offer a very awkward arrangement for waste management; further details can be

supplied and satisfactorily managed at reserved matters stage to avoid bin drift into the highway causing safety issues. Advice has been provided by the KC Waste Management Officer to assist future applications should they be forthcoming.

As such, considering submitted plans, Officers would have to concur with the conclusion arrived from Highway Development Management in that the driveway gradients are likely to be excessive, on-street parking will restrict access for a fire tender causing safety issues, the precedents quoted are not considered equivalent and sight lines from the proposed access onto Radcliffe Road would be extremely poor causing unacceptable highway safety issues. The proposal's access would be in conflict with the requirements of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD, the KC Highway 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. 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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. It is noted that a new dwellinghouse would be subject to Building Regulations to supply Electric Vehicle Charging Points and an informative would be recommended to support net zero carbon emission targets.

### Drainage

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.

The site is within a low probability Flood Risk Zone and therefore if Officers are so minded to approve the application, a condition would be placed to ensure that the additional parking spaces would be drained sufficiently and/or

made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.

As previously mentioned, representations raised concerns over drainage however as the site is not within a high risk flooding area, this would be controlled by Building Regulations and be a private matter; as such it would be the responsibility of the developer to ensure no damage to properties through improper drainage.

#### *Ecology / Biodiversity and Trees*

Whilst considering Biodiversity, LP 30 and LP 33 of the Kirklees Local Plan and Chapter 15 of the NPPF is relevant.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance, which seeks to ensure retention of existing features such as trees, habitats and landscape. Principle 9 requires that net gains in biodiversity are provided.

The site is within a Bat Alert layer, twice buffer area and adjacent to a mature tree (protected as it is sited within its Conservation Area designation).

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.

The application form states that the development benefits from the Temporary exemption for non-major development (until April 2024) for Biodiversity Net Gain. Development which is not defined as major development under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015 is exempt until 2 April 2024. The application was received 26/03/2024; it is noted that forthcoming applications on the site would be subject to BNG unless it meets the exemptions provided within Planning Practice 'Guidance: Biodiversity net gain: exempt developments.' In terms of the biodiversity requirements of a scheme of this type as required by the aforementioned policies, should permission be granted, it would be conditioned that there be provision of bat boxes / tubes.

Any impacts on the tree, either direct or indirect which result in a loss of its longterm viability could not be supported. In addition, the Council has declared a climate emergency and has a policy to preserve council owned trees and it is part of Kirklees Local Plan policy, LP24h) and i) and LP33 to retain trees of value.

The Trees Officer was formally consulted and required an Arboricultural Impact Assessment and Arboricultural Method Statement to make a full assessment. The layout indicated that it would be in close proximity to the tree and as such, it was advised that the layout be amended to move the dwelling further south to avoid any disturbance of the protected tree or alternatively rotated to facilitate a greater distance between the tree and the property.

The Officer drew agent attention to this response, and the agent confirmed that the layout would be unchanged. As such, the proposal was assessed on submitted plans. The Proposed Layout sites the dwelling close to the canopy of the tree and potentially an unconfirmed RPA. An AIA will determine if the proposals do or don't have a significant impact on the neighbouring trees and this would be needed to assess the impact. The onus is on the applicant to

demonstrate how negative impacts to those significant amenity trees in a valuable habitat are to be avoided.

At present it is considered that insufficient information has been provided to enable a full and proper assessment of this scheme. It is therefore recommended that, in the absence of the necessary information, this application is refused on the basis that a full and proper assessment of the impact upon trees cannot be undertaken. For the reasons given above, the proposals are not considered to meet policies LP24h) and (i), LP33 of the Kirklees Local Plan, as well as policies within Chapter 15 of the National Planning Policy Framework therefore the proposals are not supported. Whilst it is acknowledged that the site is located within an identified bat alert area and twice buffer area, the proposals are relatively modest and therefore considered unlikely that the proposals would have a significant impact on the bat and twice population. Nonetheless, should permission be granted, it is considered that bat and bird boxes could be conditioned to enhance biodiversity and a Bat/wild bird informative included to any permission. With those conditions and informative notes, in relation to ecology / biodiversity mitigation it is considered the proposal would be in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF. The development was submitted prior to 2<sup>nd</sup> April and was therefore exempt from the requirements of Biodiversity Net Gain legislation on the basis of the small sites exemption.

#### *Contaminated and unstable 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 are considered to be relevant.

The site is not potentially contaminated land and is not within a Coal Risk Area. Should the proposal be found acceptable, Officers would recommend a precautionary condition on what developers are required to do if unexpected land contamination is found to comply with the aims of Chapter 15 of the NPPF and LP53 of the Kirklees Local Plan.

#### 6 – Representations:

20 representations had been received in total, 14 are listed on the website (but included multiple addresses within a petition) and considered in the above assessment

#### 7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations.

As previously discussed within Principle of Development, the tilted balance is in effect following Kirklees Council's published housing position in relation to the 5 Year Housing Land Supply and Housing Delivery Test in February 2024. The proposal would provide one market housing development which would have a positive contribution towards meeting the housing undersupply and be of limited benefit. However, the assessment of the proposal within this report

sets out that the adverse impacts of granting permission in this instance would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Close review of the scheme's design and alternate access points by Officers and consultees to explore how to avoid detrimental impacts identified, as following, could not overcome the fundamental principle of development being unsustainable within the highly visible and awkward plot.

The proposed layout and access arrangements of the development, by virtue of its prominent position on elevated ground, large and uncharacteristic layout, hard surfacing dominating the site and closeness to neighbouring properties, would appear as an isolated and incongruous visual intrusion in the locality, detrimental to the visual amenities and overall historic character and appearance of the Wellhouse Conservation Area. The proposal would fail to reinforce or enhance the local distinctiveness of its heritage assets. The proposal is therefore considered contrary to Policies LP02, LP24a and LP35 of the Kirklees Local Plan, Principles 2 and 5 of the Housebuilders Design Guide SPD, Chapters 12 and 16 of the National Planning Policy Framework and the tests of 66(1) or 72 (1) of the Planning (Listed Building and Conservation Areas) Act.

The proposed dwelling's layout, by virtue of the close proximity of the proposed dwelling to the private rear amenity spaces of no.s 26-30 Radcliffe Road would cause undue harm in terms of loss of privacy and overlooking and to harmfully overshadow their northerly facing gardens to cumulatively be unacceptable. This would be contrary to Policy LP24b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

The proposal's access would have severe and cumulative effects to highway safety, in that the driveway gradients are likely to be excessive, on-street parking will restrict access for a fire tender causing safety issues, and sight lines from the proposed access onto Radcliffe Road would be extremely poor. The potential for a S106 or TRO to mitigate against those impacts were considered however those would not be sufficient to overcome clear and serious concerns with regard to highway safety. The proposal's access would be in conflict with the requirements of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD, the KC Highway Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

In the absence of the necessary information, this application is refused on the basis that a full and proper assessment of the impact upon trees cannot be undertaken. For the reasons given above, the proposals are not considered to meet policies LP24h) and (i), LP33 and LP61 of the Kirklees Local Plan, Principle as well as policies within Chapter 15 of the National Planning Policy Framework therefore the proposals are not supported.

**Recommendation  
Permission**

**Refuse Outline**

**Decision Authorisation - Delegated**

**Application Number:** 2024/90885

**Officer Recommendation:** Refuse Outline Permission

**Reasons**

1. The proposed layout and access arrangements of the development, by virtue of its prominent position on elevated ground, large and uncharacteristic layout, hard surfacing dominating the site and closeness to neighbouring properties, would appear as an isolated and incongruous visual intrusion in the locality, having a harmful impact upon the visual amenities of the locality and the historic character and appearance of the Wellhouse Conservation Area. The proposal would lead to less than substantial harm to the Conservation Area failing to reinforce or enhance the local distinctiveness of its setting for which no public benefits are considered to outweigh the identified harm. The proposal is therefore considered contrary to Policies LP02, LP24a and LP35 of the Kirklees Local Plan, Principles 2 and 5 of the Housebuilders Design Guide SPD, policies within Chapters 12 and 16 of the National Planning Policy Framework and the requirements of 66(1) or 72 (1) of the Planning (Listed Building and Conservation Areas) Act.
2. By virtue of the close proximity of the proposed dwelling to no.s 26-30 Radcliffe Road the layout of the proposed development would cause undue harm in terms of loss of privacy and overlooking and to lead to an unacceptable level of overshadowing. This would be contrary to Policy LP24b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
3. The access would have a severe and cumulative detrimental impact upon highway safety as a result of the driveway gradients, ability for vehicle to access the site and poor sight lines from the access onto Radcliffe Road. The access arrangements would be contrary to policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD, the KC Highway Design Guide SPD and policies within Chapter 9 of the National Planning Policy Framework.
4. In the absence of an Arboricultural Impact Assessment and Arboricultural Method Statement, this application is refused on the basis that a full and proper assessment of the impact upon trees cannot be undertaken. For the reasons given above, the proposals are not considered to meet policies LP24h) and (i), LP33 of the Kirklees

Local Plan, as well as policies within Chapter 15 of the National Planning Policy Framework therefore the proposals are not supported.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan.	Planning Portal Reference: PP-12904872v1.	Unamended	26/03/2024
Existing Topographical Survey.	Drawing no. S23664- DR 01.	B	26/03/2024
Proposed Site Layout and Cross Section Plans.	Drawing no. 1461-001.	A	26/03/2024
Design and Access Statement	Design and Access Statement by HNA Architects Ltd. Ref: 1461-DAS.	Unamended	26/03/2024
Transport Technical Note for Proposed Development	Transport Technical Note for Proposed Development by TPS Transport Consultants Ltd. TPS Ref: P2450. Date: January 2024.	Unamended	26/03/2024
Radcliffe Rd Drainage and Water Search	Radcliffe Rd Drainage and Water Search by InfoTrack. Matter: LW/212360-1. Date: 25/04/2023	Unamended	26/03/2024
Flood Map for Planning	Flood Map for Planning Location Specific Flood Rating for 409434/415003. Dated 19/03/2024	Unamended	26/03/2024

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. The Case Officer advised of the

likely refusal of the application on access and layout. Additional requests for information were made. As such, Officers proceeded to determination.

**Report Dated:** 03/07/2024