KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2024/62/92026/E**
Site Address:	adj, 44, Dewsbury Gate Road, Dewsbury, WF13 4DD
Description:	Erection of detached dwelling
Recommending Officer:	Edward Cheseldine

DECISION - REFUSED

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

Emma Thompson

AUTHORISED OFFICER

Date: 10-Dec-24

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Officer Report

2024/92026 - adj, 44, Dewsbury Gate Road, Dewsbury, WF13 4DD

Site Description

44 Dewsbury Gate Road contains a single-storey dwelling in Staincliffe with a residential garden area that extends to the south. The dwelling is constructed with brick exterior walls, render and panelling. The building has a low, spread-out form, with a minimal roof depth. The property faces towards Dewsbury Gate Road, a category C road.

The immediate vicinity is predominately residential. There are single storey dwellings on the opposite side of Dewsbury Gate Road. In addition, there are two-storey dwellings that sit perpendicular to the application building to the south of the application site.

Application Description

The applicant is seeking planning permission for the erection of one, detached residential dwelling in the residential curtilage of the existing dwelling and formation of new access driveway.

The proposed dwelling would be two-storey in height with a pitched roof. The dwellings would protrude ~1.20m to the front and ~1.70m to the rear of the existing dwelling. It would face towards Dewsbury Gate Road, with a rectangular footprint. The dwellings will be ~11.00m(w) x ~9.70m(d) with an eaves height of ~5.30m and a ridgeline height of ~9.20m. The front façade includes a lean-to roof with front projection, porch and a prominent apex feature window. There is a high amount of glazing and 4 skylights.

Amendments/Negotiations

Amendments were requested to alter the design of the dwellings, considering the prevailing streetscene, including changing the height, bulk and front façade design.

In response, the planning agent supplied the following justification:

- Street scene ridge height meets with No 20

- Depth is greater if you compare this to 44 but this is a bungalow with a longer frontage – different types of buildings and the area has a mixed housing stock.
- Although depth is greater than No 44 by 1.5m we are 2m away from the boundary and comply with space about dwelling standards, to make the footprint smaller would take too much off the bedrooms – the client has a large family and this is essential for his need. There are no dwelling of impact to any other housing / buildings to the rear.
- The site has previously been granted planning permission for 3No dwellings under 2011/60/91839/E and this proposal is of a lesser impact.
- With regards the objection, there is no loss of privacy to the side, secondary bathroom and landing windows are obscure glazed and this can be conditioned.

The proposed plans will be assessed in line with current national and local planning policy, which the decision will be based upon.

Public Representations

Neighbourhood notification letters were distributed to advertise the application, which expired on the 20 November 2024. As a result, there are 2 representations.

- This idea will impact on the houses along the side of the proposed property, 14-20 Dewsbury Gate Road
- The area of building is higher than our houses so the house will be almost 3 storeys above ours
- They have cut down at least 15 trees to free up this area which has already disrupted our privacy
- This property will disrupt the privacy of our whole street as it will overlook and tower over all of the street
- It’s forcing people to already look to move houses
- This development will look out of place where it’s planned as the houses surrounding are very old
- My neighbours have passed a comment that this sort of planning has been rejected in the past for these reasons but they have already proceeded with cutting the trees down before submitting planning permission this time
- They burn rubbish all the time so we are worried that this will now be closer to our property
- Shouldn't be allowed due to privacy issues

These comments will be evaluated within the *Assessment* section of the report and concluded within the *Representations* section of the report.

Relevant Planning History

2011/90981 - Outline application for demolition of existing dwelling and erection of residential development of 4 dwellings with associated parking – Refused

2011/91839 - Outline application for demolition of existing dwelling and erection of residential development of 3 dwellings with associated parking – Conditional outline permission approved

Consultation Responses

KC Environment Health – Recommended condition in relation to a noise assessment and mitigation scheme.

KC Highways DM – No objection.

Policy & Legislation

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

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

Kirklees Local Plan (LP):

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

- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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

Other Material Considerations

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

Assessment

The following matters are considered in the assessment below –

1) Principle of Development
1) Impact on Visual Amenity
2) Impact on Residential Amenity
3) Impact on Highway Safety
4) Environmental Issues
5) Representation
6) Conclusion

1- Principle of Development:

Sustainable Development

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

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

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

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

In this case, the application site is unallocated, therefore the contribution of the development will be assessed in line with the impact to visual amenity, residential amenity and other matters.

Housing Supply

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

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-

of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

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

In this case, one additional unit would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places. Therefore, a balance will be formed, within this assessment, against the benefits a single dwelling would bring.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 3/4 dwellings. In respect of the site's constraints, there is an existing dwelling on the site which has a large footprint. The plot is shallow when considering its shape. When considering usable outdoor amenity space, the number of functionable plots diminishes, therefore 2 dwellings is considered acceptable for this application.

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

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."*

The application site is located on Dewsbury Gate Road, the local area has a varied in terms of character of residential dwellings, including single and two-storey properties that were built in time periods ranging from the Victorian era to the early 2000s. The prevailing streetscene is formed of No.44, the existing property within the site. Properties 14-20 Dewsbury Gate Road are set perpendicular to the proposed dwelling, they are ~18.00m away from the dwelling and set off the public footpath by ~9.60m, therefore their contribution to the streetscene is limited in this regard.

Materials and design in the immediate area are predominately brick built, low formed structures with simple features. 44 Dewsbury Gate Road is a 1980s building it has rectangular modernist windows, render, panelling and brick, that make up the appearance of the front façade. The dwelling contains a

shallow roof with a low pitch, therefore appearing as a shallow structure. The buildings opposite replicate this design with brick detailing and pitched roofs.

When considering the application site, it sits on a prominent section of Dewsbury Gate Road adjacent to the single-storey structure which is a corner property. The site plot is visible from Staincliffe park located to the north-west of the property.

In terms of positioning and orientation, it is considered that the placement of the dwelling is consistent with the adjacent dwelling of No.44. It faces towards Dewsbury Gate Road, continuing the linear aspect of the road. The proposed building protrudes further than No.44 due to the single-storey projection, however considering there are two properties in this section of the road, the difference is negligible in terms of placement.

Larger footprints and dwellings are appropriate where there are similar sites in scale and character and where height works with the topography of the area. In this case, the immediate neighbouring dwellings are significantly smaller, whether through vertical massing or footprint. In comparison to its immediate neighbours, the scale of the dwelling is considerable. Architectural features such as the single-storey projection intensify the bulk and mass of the proposed dwelling. Rather than taking a stepped approach to the vertical massing in consideration of No.44, the property will be significantly higher than the neighbouring dwelling. Due to the scale and positioning, the dwelling would be highly visible when travelling along Dewsbury Gate Road and from Staincliffe Park.

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

There is a mixture of designs and materials used on the No.44 Dewsbury Gate Road and the single-storey dwelling opposite, although, the materials present a respectful cohesion which varies due to the age in properties. There are two-storey Victorian terrace properties to the south and south-west of the site.

The application dwelling will be formed of natural stone exterior walls and natural blue roof slates which will provide an appearance sympathetic to the more historic terrace type properties. The house will, to some degree, be associated with these properties. Whilst there is no objection to the use of stone and blue slates, the use of materials relates to properties further away than the immediate context of the site, which is not viewed as a consideration

that would overcome issues in relation to height, mass, bulk, height and architectural design.

Principle 14 of the Kirklees Housebuilders Design Guide SPD notes, *the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.*

Fenestration within the street is simplistic with horizontal windowpanes. The window placement of the application dwelling appears out of character with irregular sizes and patterns introduced. The plans include a significant amount of glazing with large vertically aligned rectangular openings being formed including floor-to-ceiling openings as well as an apex window. When considering the simplistic nature of the surrounding fenestration, the design fails to respect the character and streetscene. When considering the fenestration details with the size and scale of the building, the application dwelling would detract significantly altering the character of the area. Due to the design and volume, the dwelling would introduce an incongruous form of development visible from various public vantage points.

Principle 15 of the Kirklees Housebuilders Design Guide relates to roofline design. *The design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.*

The height of the dwelling will be ~4.60m over and above the adjacent property of No.44. There will be a significant step in height between the properties. When considering roofline, the character would be dominated by the building height proposed. The building has a large rectangular footprint when considering the high-pitch roof, it sits uncomfortably, appearing top-heavy, therefore dominating the building. Due to the low form of buildings adjacent and opposite the appearance is exacerbated by the step up in height and, as such, its appearance is considered to be to the detriment of visual amenity contrary to Policy LP24 of the Kirklees Local Plan.

In terms of outdoor space, it is recognised that the application site is shallow in depth and providing private outdoor space poses a challenge. Principle 17 regarding outdoor space states: a*ll 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 scale of the dwelling proposed significantly reduces the opportunity to incorporate adequate amenity space. The scale of the development should be reconsidered in this respect.

In terms of visual amenity, the property is set back from the main road by ~4.90m with a lawned garden, providing suitable space to the dwelling.

Grasscrete or similar is proposed for the driveway with a suitably sized garden area retained to the south of the building. In terms of visual amenity, the plans are acceptable complying with the visual aspects of Principle 17.

In terms of the boundary treatment, elevation plans indicate a timber fence would be erected along the front boundary, however the materials and style are not indicated and would require further information to be submitted. In addition, there are no boundaries shown, between the existing and proposed dwelling. If the application was recommended for approval, the submission of these details would be conditioned.

Following assessment of the development proposed it is considered that the dwelling, by reason of, height, scale, roof form and fenestration, would appear dominating and incongruous in the street scene and would fail to respect the original form and appearance of the street scape. The unsympathetic form of development would not assimilate well, harming the character and appearance of the area. This would be contrary to the aims of Principle 2, 14 & 15 of the Kirklees Housebuilder Design Guide Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

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

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

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

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

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;

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

The properties that will be affected by the development will be 44 & 14-20 Dewsbury Gate Road. Properties 11, 15, 17 & 19 Dewsbury Gate Road rest on the opposite side of the street, however they are over 21.00m away from the application building's front elevation, therefore complying with Principle 6. The area behind the property is a rear access road for residential dwellings along Lensman Drive and therefore not private amenity space for the purpose of assessing impact.

Impact on 44 Dewsbury Gate Road

44 Dewsbury Gate Road is the existing property on the site, it will sit adjacent to the proposed dwelling. There are two large openings on the side elevation of No. 44. From a site visit and as seen by street level imagery, these are secondary windows associated with the accommodation and as such maintaining outlook and light is less of a concern. If the application is approved, a condition would be imposed regarding boundary treatment separating the dwellings. There will be no direct view towards these windows but built form in close proximity. The proposed upper floor side windows will be obscurely glazed.

In terms of a loss of light/overshadowing impact, there will be a significant loss of light to the amenity space, to the front and rear of the property, in the afternoon and early-evening. The dwelling protrudes to the rear of the dwelling by ~1.50m at a two-storey height, with a pitched roof, which will block out a large majority of sunlight during primary hours of sunlight. Such an impact would have a detrimental effect on the occupants of the neighbouring dwelling by casting a large shadow against a single-storey structure.

An overbearing impact will reduce the sense of space. The application dwelling has a separation distance of ~1.50m from the existing dwelling. Due to the height of the building, there will be a loss of amenity to the adjoining occupants due to a reduction in the sense of space as well as to the internal space served by the side windows which will create a negative living environment for current and future occupants.

In respect of Principle 17 of the Kirklees Housebuilders Design Guide SPD, No.44 will have remaining outdoor space to the north of the property, which is

a sufficient size. A wooden boundary fence has been erected, which provides an acceptable level of privacy.

Due to the scale, mass and proximity of the proposed dwelling it would overshadow the front and rear space as well as the side windows, reducing the amount of light enjoyed by the occupants detrimentally impacting the neighbouring occupants contrary to Principle 6 of the Kirklees Housebuilder Design Guide Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on 14-20 Dewsbury Gate Road

These properties are located to the south of the application site. They are distanced, ~17.00m from the application dwelling. One window is proposed on the second floor, which will be obscurely glazed, therefore there will be no loss of privacy. The positioning is such that any overbearing impact on the amenity space of the dwellings is avoided, however an extended site section/streetscene plan that includes these properties should be submitted to fully demonstrate a loss of amenity is avoided.

It was noted by Officers that part of the boundary treatment is substandard at points of the boundary shared with No.18 & 20. Hard landscaping plans have not been submitted, as such it would be conditioned that these sections are provided with suitable treatments so that the garden space and dwellings are not impacted.

Amenity of the Proposed Occupiers

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

Guidance as to the suitable standards for internal space are set out in the House Design Guide SPD, which states in paragraph 9.1, '*The Council recognises the Nationally Described Space Standards (NDSS) as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers'.*

The floor plans indicate the dwelling will have 5 bedrooms and a study. It is recognised that the study would be a suitable size for a bedrooms, therefore the dwelling will be assessed as 6 bedrooms. The building would have an internal floorspace of ~253m2. NDSS outline a dwelling of 3 storeys with 6

bedrooms should have an internal floorspace of 138m2, which the plans accord with. In addition, the double bedrooms are a suitable size that accord with NDSS.

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."*

It is recognised that achieving a high standard of private amenity space may be beyond the constraints of the plot. The scale of the dwelling does not allow for any private amenity space. A section of the remaining curtilage is dedicated to a garden area for the enjoyment of occupiers. So not to impact private amenity space, a soft landscaping scheme should be introduced to create privacy through hedging in order to comply with the visual elements of Principle 17.

It was noted by Officers that part of the boundary treatment is substandard at point of the boundary shared with No.18 & 20. Hard landscaping plans have not been submitted, as such it would be conditioned that these sections are provided with suitable treatments so that the garden space and dwellings are not impacted.

Impact on Highway Safety

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."

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

KC Highways DM was consulted informally. They had no objection to the proposal. The block plan indicate there are 3 parking spaces. Policy set out in the Kirklees Highways Design Guide SPD states, *4+ bedroom dwellings provide three off-street spaces.* Vehicle swept paths indicate vehicles can turn, however as there is tandem parking, vehicles would be required to be moved to allow for a safe access. An additional turning head could be requested; however, this would be at the cost of lawn space. As such amendments were not requested.

Environmental Matters

Ecology & Biodiversity Net Gain

Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are 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.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

In terms of Biodiversity Net Gain (BNG) as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), the applicant has submitted a baseline of 0.12 habitat units. It would be controlled under separate legislation that BNG net gain is provided, and if the application was minded being approved, it is recommended that the legislation be attached as a footnote.

Nonetheless, Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD, the Biodiversity Guidance Note, and Chapter 15 of the National Planning Policy Framework state that biodiversity net gain is required for all development. To create this net gain, a condition to secure a bird box into the external walls of the new dwelling is recommended to be added to the decision notice. This mitigation will ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements.

Noise

The proposed development is adjacent to a busy junction. Therefore, the proposals introduce sensitive noise receptors close to a potential noise source. Consequently, if the application was minded being approved, conditions for a noise assessment report would be required, to protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Unexpected Ground Contamination

As groundworks are proposed, an unexpected contamination condition and footnote would be applied to application conditions to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

Electric Vehicle Charging Points

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

Carbon Budget

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the following;

Visual Amenity

- The area of building is higher than our houses so the house will be almost 3 storeys above ours

Officer Response: The height of the building has been considered to present a negative impact to the character of the street.

- This development will look out of place where it's planned as the houses surrounding are very old

Officer Response: The design of the new dwelling has been assessed within the visual amenity section of the report and is not acceptable.

Residential Amenity

- This idea will impact on the houses along the side of the proposed property, 14-20 Dewsbury Gate Road

Officer Response: Impact to 14-20 Dewsbury Gate Road has been assessed within the residential amenity section of the report.

- They have cut down at least 15 trees to free up this area which has already disrupted our privacy

Officer Response: It is noted that trees have been felled from the site prior to the submission of the application. None of the trees were protected therefore, the planning department has no powers to control this. The applicant has submitted a biodiversity Net Gain assessment, it is a legislative requirement that the lost habitat will be replaced with a 10% uplift. In terms of residential amenity, the impact to privacy has been assessed within the residential amenity section of the report.

- This property will disrupt the privacy of our whole street as it will overlook and tower over all of the street
- Shouldn't be allowed due to privacy issues.

Officer Response: The impact to privacy has been assessed within the residential amenity section of the report.

Environmental Matters

- My neighbours have passed a comment that this sort of planning has been rejected in the past for these reasons but they have already proceeded with cutting the trees down before submitting planning permission this time.

Officer Response: It is noted that trees have been felled from the site prior to the submission of the application. None of the trees were protected therefore, the planning department has no powers to control this. The applicant has

submitted a biodiversity Net Gain assessment, it is a legal requirement that the lost habitat will be replaced with a 10% uplift.

- They burn rubbish all the time so we are worried that this will now be closer to our property.

Officer Response: The burning of rubbish is an environmental concern outside of the remits of the planning department. https://www.kirklees.gov.uk/beta/crime-and-safety/what-you-can-do-about-air-pollution.aspx#:~:text=The%20whole%20of%20Kirklees%20is,if%20you%20breach%20these%20rules.&text=Don't%20burn%20treated%20wood,toxic%20pollutants%20into%20your%20home.

- It's forcing people to already look to move houses

Officer Response: This impact cannot be assessed as a material consideration within the planning, therefore minimal weight has been afforded to the comment.

Conclusion

The application to for a new dwelling at land adjacent to 44 Dewsbury Gate has been assessed against relevant policies in the development plan as listed in the policy section of the report, the NPPF and other material considerations.

The development would be contrary to policy set out in the NPPF and the Kirklees Local Plan, it would cause harm to visual character of Dewsbury Gate Road, due to its height, scale, roof form and fenestration.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is recommended for refusal.

Recommendation **Refusal**

Reason(s) for Refusal

1. The dwelling proposed, by reason of, height, scale, roof form and fenestration, would appear dominating and incongruous in the street scene and would fail to respect the original form and appearance of the street scape as the unsympathetic form of development would harm the character and appearance of the area. This would be contrary to the aims of Principle 2, 14 & 15 of the Kirklees Housebuilder Design Guide Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed development, due to scale and proximity to existing dwellings, would result in overshadowing of existing accommodation as well as amenity space appearing overbearing and detrimental to the occupants contrary to Principle 6 of the Kirklees Housebuilder Design Guide Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
Location plan	24.2745.02	-	19 July 2024
Proposed block plan	24.2745.03C	-	19 July 2024
Proposed floor plans	24.2745.04D	-	19 July 2024
Proposed elevations	24.2745.05	-	19 July 2024
BNG Metric	-	-	19 July 2024
Biodiversity Net Gain Assessment	241002 1921 BNG V1 FINAL ISSUE	-	19 July 2024
Design and access statement	-	-	19 July 2024
Climate change statement	-	-	19 July 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, 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.

Amendments were requested to alter the design of the dwellings, considering the prevailing streetscene, including changing the height, bulk and front façade design.