

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/60/92628/W
Site Address:	land at, Holmfirth Road, Meltham, Holmfirth, HD9 4EW
Description:	Outline application for erection of one dwelling
Recommending Officer:	Lucy Taylor

DECISION - REFUSED

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

Emma Thompson

AUTHORISED OFFICER

Date: 10-Dec-2024

Officer Report.

Reference: 2024/92628

Location: land at, Holmfirth Road, Meltham, Holmfirth, HD9 4EW

Proposal: Outline application for erection of one dwelling

Site Description.

The site relates to land forward of No. 40 Holmfirth Road, which currently consists of hard and soft landscaping to serve the apartments within this building.

Description of Proposal.

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

The submission is supported by a location plan and proposed site / block layout.

The submitted proposed site / block layout shows an indicative layout, with one house, parking, access, bin storage arrangements and a garden.

History of Negotiations / Amendments Received.

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

Relevant Planning History.

- 2013/91390 – No. 40 Holmfirth Road - Alterations to convert existing building consisting of 5 flats/studios into 9 apartments. *Granted Conditional Full Permission.*

Representations.

The application was publicised by neighbour notification letters, with the final publicity date expiring on 22nd November 2024.

In response to publicity, six objections were received.

The objections raised the following concerns (related to this current planning application):

Trees:

- TPO trees within the surrounding area, they are part of the landscape and need space and light to grow.
- Insufficient information regarding how the Monkey Puzzle tree, along with other trees protected by TPOs in the vicinity, will be safeguarded during the development process. The Monkey Puzzle tree is not only protected by a TPO but is also listed as endangered on the global IUCN Red List of Threatened Species. Groundworks have already occurred near the roots of this tree, concerned that it may have already suffered damage. There are also other TPOs nearby that may be affected. Both the NPPF and the Kirklees Local Plan require the protection of such trees, and as of now, no clear mitigation plan has been provided.
- Object as there is a monkey puzzle tree under a TPO at this site and no information to confirm it is being retained or will be protected. Work has already started near the roots of this lovely tree.
- Deeply concerned about lack of measures to protect trees in the area, including those protected by TPOs. The endangered Monkey Puzzle tree, listed on the global IUCN Red List, is at particular risk, with groundworks already occurring dangerously close to its roots. Other TPO-protected trees nearby may also be affected. Both the NPPF and Kirklees Local Plan emphasise the need for strict tree protection, yet no clear safeguarding plans have been provided.
- There is a Monkey Puzzle Tree, and it is somewhat of a landmark along this route into Meltham. The roots of such trees differ from other trees and extend well beyond the above ground spread of the tree and require well-draining soils. Ask Council to ensure that any Arboricultural Assessment carefully considers the specific nature and requirements of this tree in order to ensure that such a landmark tree, its root system and water requirements are not harmed by any development.

Highway Safety:

- Traffic is already very heavy especially during the school hours. Any building work will be challenging and cause much heavier traffic.
- As it is a main school drop off, additional housing to this road will impact the amount of cars coming in to and from the entrance / exit to Holmfirth / Tinker Lane.
- The proposed access to the site is narrow with limited visibility, posing potential risks to both pedestrians and vehicles. This includes users of the application site, and those travelling along Tinker Lane and Holmfirth Road. Tinker Lane is already a busy route, particularly during school drop-off times, and is frequently used by children walking to

school. Additionally, it becomes congested during band nights. The proposed development could exacerbate these existing traffic and safety issues.

- Have concerns about highway safety and the children that play on tinker lane and use this route for school. Parking is already bad on Tinker Lane and more vehicles on this route could be a risk.
- Road safety issues are another significant concern. The proposed access point is poorly suited to the volume of traffic it would generate, with restricted visibility and a narrow entrance creating hazards for vehicles and pedestrians. Tinker Lane is already heavily used, especially during school runs and community events, and increased traffic from the development would worsen these existing safety risks.
- The location of the site is such that there is very limited opportunity for on-street parking nearby, without adding to existing difficulties for road users. Ask that any consent recognises the need for sufficient on-site parking, including for visitors, so that the existing parking problem in the immediately adjacent roads is not made worse.
- The access to the site is via a gate onto Holmfirth Road, very close to the corner of Tinker Lane. Vehicles entering and leaving the site must do so across the pavement, with a high wall to one side. Reversing into or out of the property will pose a particular risk to pedestrians and those waiting to cross Tinker Lane. If any consent at the site is to include on-site parking, urge the Council to insist on sufficient turning area on the site such that vehicles do not need to reverse in or out of the site.

Residential Amenity:

- Be a shame to take the natural light from residents that are across and at the side of this land.
- The proposed property will face living rooms and bedrooms of existing properties on all four of its sides. If any development is to be permitted, as the Council to include a condition that it meets in full the recommendations of the National Design Guide in respect of separation distances for habitable rooms on all sides.
- The actual process of erecting the dwelling will cause enormous disruption in a very tightly and established community including huge noise disturbance to those living in such close proximity.

Visual Amenity:

- A lack of information about the potential scale and size of the proposed buildings once outline consent is granted. Without this detail, how can we be confident that the development will not result in an oversized

building that overshadows and negatively impacts the surrounding properties. This uncertainty makes it difficult to assess the full extent of the development's impacts.

- The proposed development would have a negative impact on the nearby conservation area and could obstruct the view of a historically significant building. This area holds considerable historical value, having been the site of important meetings related to the Meltham Council. The introduction of additional buildings in an already overdeveloped area would result in a cramped environment, further diminishing the heritage of the location.
- Concerns about over development and the nearby properties and has the proximity to the conservation area been considered?
- Development poses serious threat to the character and historical significance of the surrounding conservation area. It risks obstructing views of an important historic building tied to key events in Meltham Council's history. Adding new buildings in this already dense area would compromise the site's heritage value and create a crowded and unsuitable environment.
- There is a troubling lack of detail regarding the scale of the proposed buildings. Without clarity on their size and layout, it is impossible to evaluate the impact on nearby properties. Oversized or poorly designed structures could dominate the area, diminishing the quality of life for local residents and detracting from the neighbourhood's character.
- The application for a single dwelling fails to provide any information at all as to the type of dwelling, height, materials, construction or anything else.
- The impact of a development, just metres in front of Bent House, immediately adjacent to the tree, and in the middle of what is an open area, will be a substantial negative one. The scale, massing and location of the proposed development will have a detrimental impact upon the visual amenity of this important gateway into the town.
- The remaining area of the site available for the footprint of the building and any required soft landscaping seems very limited. If the available building footprint is small, the developer may seek permission for three or more storeys. The impact of a tall, slender detached building on the site would not only give an odd appearance itself but will not be in keeping with the form and arrangement of any of the adjacent or nearby buildings.

Consultation Responses.

KC Environmental Health – no objections with conditions and footnotes regarding unexpected contamination and construction site working times.

KC Trees – holding objection until an Arboricultural Impact Assessment is submitted to show the Root Protection Area for the trees and distances of the building and to show whether alternative construction methods may be needed. The proposal looks achievable within the allocated space, just needs to be more detail of how applicant will go about working in close proximity to protected trees.

KC Lead Local Flood Authority – objects to this application pending details of the culvert location and extent.

KC Highways Development Management – given the proximity of the access to the Holmfirth Road and Tinker Lane junction, poor pedestrian intervisibility at the access, loss of existing parking and pedestrian access and the potential lack of space for off-street parking and internal vehicle turning, Highways Development Management would be unable to support this application as currently proposed.

Meltham Town Council – object due to access and over development.

Policy.

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

The site is located within a twice buffer zone on the Council's GIS mapping system.

Trees protected by Tree Preservation Orders are in close proximity on both the north and south sides of the site.

A culverted watercourse crosses the site.

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

Kirklees Local Plan:

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 11 – Housing Mix and Affordable Housing
- LP 20 – Sustainable Travel
- LP 21 – Highway Safety

- LP 22 – Parking Provision
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP33 - Trees
- LP 35 – Historic Environment
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land

Supplementary Planning Documents:

- Highways Design Guide SPD
- Housebuilders Design Guide SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

Other Guidance Documents:

- DCLG: Technical Housing Standards – Nationally Described Space Standards
- MHCLG: National Design Guide
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Legislation:

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

Assessment.

The following matters are considered in the assessment below: -

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

1) Principle of Development

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 explored.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, this means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide

seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. The site is ~422.88sqm and seeks outline permission for the erection of one dwelling.

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

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

2) Impact on Visual Amenity

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

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

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

LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

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

Paragraph 134 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 139 of the NPPF outlines that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and

supplementary planning documents such as design guides and codes. Kirklees has an adopted Housebuilders Design Guide SPD.

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

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

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

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

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

Principle 12 sets out that any car parking provision should *“Not dominate street frontages through parking arrangements that place cars at the front of all dwellings...”* and that *“Where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.”*

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

This is an outline application with all matters reserved (i.e. scale, layout, appearance, access and landscaping), under such an application, officers have to consider whether residential development on the site could be

achieved without causing detrimental harm to the character and appearance of the area.

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

The proposal would see development on land forward of No. 40 Holmfirth Road, which currently consists of hard and soft landscaping to serve the apartments within this building. Officers consider that the development of a new dwelling, with associated parking, outdoor amenity space and domestic paraphernalia, within the red line submitted on the plans, would appear as cramped and at odds with the existing arrangement of the street.

Officers note that the site currently enhances the street scene, by being open and spacious. The proposed development of one dwelling with associated parking, outdoor amenity space and domestic paraphernalia, would result in the loss of this characteristic, with the open and spacious site lost to development.

Therefore, the arrangement of the proposed dwelling would appear to introduce an incongruous layout in the streetscene, resulting in No. 40 Holmfirth Road losing its existing spacious setting, afforded by its open frontage.

As such, the proposal would result in a scheme which detrimentally affects the street scene's established character in relation to the loss of openness to the front of No. 40 Holmfirth Road.

Given the cramped appearance of the site, on-site parking would be limited to the frontage of the proposed dwelling. This would see the frontage of the proposed dwelling dominated by vehicle clutter and hard standing, contrary to Principle 12 of the Housebuilders Design Guide SPD. The effect of this would be worsened by the loss of the existing soft landscaping to the front of No. 40 Holmfirth Road and bring on-site parking provisions closer to the front boundary of curtilage which fronts the highway of Holmfirth Road. It is considered that the loss of soft landscaping to the front of No. 40 Holmfirth Road would detract from the character and appearance of the host property and in turn, the wider street scene.

It is considered that the erection of one dwelling to the front of No. 40 Holmfirth Road would appear as a stand-alone feature, that would not sympathetically integrate with surrounding development in the locality. This would fail to provide a positive and coherent identity. Based on the details shown on the submitted indicative plan, the building line of the new dwelling would come forward of the principal elevation of the dwellings to either side of the site, including No. 38 Holmfirth Road and No.'s 1 and 3 Tinker Lane.

The indicative site plan shows the relationship of the proposed dwelling to site boundaries and shows the dwelling to have a footprint of approximately 58.3sqm and be set back a minimum distance of approximately 6.5 metres from the pavement of Holmfirth Road and approximately 4.5 metres from the pavement of Tinker Lane.

The new dwelling would be separated from the shared boundary with No. 40 Holmfirth Road by less than one metre and separated from the building of No. 40 itself by approximately 11 metres. The new dwelling would be separated by over 10 metres from any other shared boundaries adjacent and opposite the site.

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

Specifically, Principle 6 sets out that, for two-storey houses, typical minimum separation distances are advised: *“For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of a new dwelling to a shared boundary.”*

Notwithstanding the separation distances above, it is considered that the proposal would significantly harm the character and appearance of the area. Consequently, it would conflict with Policies within Chapter 12 of the National Planning Policy Framework and policies LP1, LP2 and LP24 of the Kirklees Local Plan, adopted in 2019 which seeks to deliver sustainable development and to protect and enhance local character amongst other matters. Furthermore, the proposal would not adhere to Principles 2, 5 and 12 of the Housebuilders Design Guide Supplementary Planning Document (the SPD) failing to have a coherent and harmonious appearance within the streetscene and resulting in a new dwelling with a parking dominated frontage.

3) Impact on Residential Amenity

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

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

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

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

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

The proposal is for residential development on land which is currently hard / soft landscaped in associated with No. 40 Holmfirth Road. Therefore, the presence of a building could potentially affect the living conditions of the occupants of the existing dwelling of No. 40 Holmfirth Road, as well as the occupants of existing dwellings to the side.

No. 40 Holmfirth Road:

Based on the indicative layout plan submitted, the new dwelling would be separated from the created shared boundary with No. 40 Holmfirth Road by less than one metre and from the building of No. 40 itself by approximately 11 metres.

No details have been submitted regarding the number of storeys to the new dwelling or the location of habitable / non-habitable room glazing. Officers note that the new dwelling would be adjacent to the parking amenity space serving No. 40 Holmfirth Road. Therefore, it is considered that it could be possible to erect a new dwelling within the proposed site, without resulting in detrimental levels of overbearing or overshadowing for the occupiers of No. 40 Holmfirth Road.

Officers also consider that the area of soft landscaping to the frontage of the site to be lost to the proposed development does not serve as functional outdoor amenity space. Therefore, it is not considered that the development would result in the loss of any functional outdoor amenity space for No. 40 Holmfirth Road.

Turning to the separation distance between the proposed dwelling and the building of No. 40 Holmfirth Road itself, officer's note glazing on the adjacent elevation of No. 40 and, therefore, the separation distances as set out under Principle 6 of the Housebuilders Design Guide SPD would need to be adhered to.

No. 38 Holmfirth Road:

The proposed dwelling would be separated from the shared boundary with No. 38 Holmfirth Road by approximately 8 metres and from the neighbouring property itself by approximately 13 metres. Therefore, it is not considered that the proposed development of a dwelling, as sited upon the submitted indicative block plan, would result in undue impacts of overbearing or overshadowing for the occupiers of No. 38 Holmfirth Road.

No details have been submitted regarding the number of storeys to the new dwelling or the location of habitable / non-habitable room glazing. The separation distances as set out under Principle 6 of the Housebuilders Design Guide SPD would need to be adhered to, if glazing were to be proposed on the elevation of the dwelling facing towards No. 38 Holmfirth Road.

No.'s 59 & 61 Holmfirth Road:

The proposed dwelling would be separated from the shared boundaries with these neighbouring properties by approximately 19 metres and from the neighbouring properties themselves by an even greater distance of over 21 metres. Therefore, it is not considered that the proposed development of a dwelling, as sited upon the submitted indicative block plan, would result in undue impacts of overbearing, overshadowing or overlooking for the occupiers of No.'s 59 and 61 Holmfirth Road.

No. 3 Tinker Lane:

The proposed dwelling would be separated from the shared boundary with No. 3 Tinker Lane by approximately 11.5 metres and from the neighbouring property itself by approximately 25 metres. Therefore, it is not considered that the proposed development of a dwelling, as sited upon the submitted indicative block plan, would result in undue impacts of overbearing, overshadowing or overlooking for the occupiers of No. 3 Tinker Lane.

Future Amenity of the Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

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

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

The submitted indicative site plan shows that the garden area would have a functional footprint of approximately 118.4sqm. Whilst the size of the garden area is considered to be acceptable, officers have concerns with regards to its level of privacy, fronting the pavement of Holmfirth Road. There are also concerns regarding the tree coverage to the space and associated overshadowing. Officers also note that the inclusion of extensive boundary treatments along the boundary of the garden fronting Holmfirth Road would create further impacts from a visual amenity perspective.

Officers note that, whilst other properties within the streetscene benefit from front gardens, they also have gardens to the rear to provide private outdoor amenity space.

Given the lack of private outdoor amenity space shown on the indicative site plan, the proposal would be considered contrary to policy LP24b of the Kirklees Local Plan, Principle 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

4) Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

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

Whilst access is a reserved matter within this outline planning application, the submitted plans indicate the route of vehicular access to be utilised.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management. Within their consultation response, KC Highways Development Management set out the following comments:

The application site is located at the junction of B6107 Holmfirth Road and Tinker Lane.

The proposal is to use part of the front of 40 Holmfirth Road, which is a large, detached building sub-divided into flats.

An existing access from Tinker Lane is shown to be retained for the flats and an existing gated and padlocked unused access location at the junction of B6107 Holmfirth Road and Tinker Lane is shown as a proposed vehicular access to the proposed new dwelling.

KC Highways Development Management concluded that they have several concerns regarding the proposals and that these are as follows:

1. The proposed access to the new dwelling is located too close to the Holmfirth Road and Tinker Lane junction.
2. Poor intervisibility between vehicles exiting the proposed access and pedestrians along Holmfirth Road.
3. No information is provided regarding the size of the proposed dwelling or the number of bedrooms, however, the area shown for parking is unlikely to be sufficient to accommodate the recommended number of off-street parking spaces and internal vehicle turning.

In general, Kirklees Council has not set local parking standards of residential and non-residential development. However, as an initial point of reference for residential development it is considered that new:
2-to-3-bedroom dwellings provide a minimum of two off-street parking spaces
4+ bedroom dwellings provide three off-street spaces.

Internal vehicle turning should be retained given that the access is onto a classified road.

4. These proposals will lead to a loss of parking to the existing flats and no information is provided to demonstrate that sufficient off-street parking is retained for residents and visitors to the flats.
5. These proposals will also remove the only potential pedestrian access into the flats from Holmfirth Road which will result in pedestrians having to use the Tinker Lane carriageway which is not considered to be in the best interests of highway safety.
6. The south-western boundary of the proposed dwelling and proposed bin storage area will restrict/obstruct the existing access to the flats.

Overall, given the proximity of the access to the Holmfirth Road and Tinker Lane junction, poor pedestrian intervisibility at the access, loss of existing parking and pedestrian access and the potential lack of space for off-street parking and internal vehicle turning Highways Development Management would be unable to support this application as currently proposed.

In turn, for the reasons set out above, the proposal is considered contrary to Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

5) Other Matters

Air Quality:

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

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

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

Contaminated Land:

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

The proposed development is not situated on land identified as potentially contaminated, however there is an historic pond adjacent to the site. Groundworks are proposed and therefore, upon any grant of approval, KC Environmental Health Officers recommended the inclusion of a condition and footnote relating to the reporting of unexpected contamination.

Foul Sewage:

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

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

Climate Change:

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

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

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

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

Trees:

Policy LP33 of the Kirklees Local Plan sets out that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Trees protected by Tree Preservation Orders are in close proximity on both the north and south sides of the site.

An Arboricultural Impact Assessment would be necessary to show the Root Protection Area for the trees and the distances of the building. It will also help show whether alternative construction methods may be needed within the Root Protection Area, such as pile and beam foundations or cellular confinement webbing.

The Council's Trees Officer concluded that, whilst the proposal looks achievable within the allocated space, there needs to be more detail of how they will acceptably facilitate working in close proximity to protected trees. Any scheme should ensure acceptable and useable outdoor amenity space that is not significantly overshadowed by trees.

Given the conclusion drawn within the consultation response from KC Trees, it is not considered reasonable to recommend refuse of this planning application on the grounds of impacts towards trees. This is because, it is considered that further information could be submitted in an attempt to overcome the concerns of the KC Trees Officer.

Culverted Watercourse:

The site plan indicates a new building to the south east of the existing garden, adjacent to No. 40. The exact dimensions of the new building are not indicated; however, Kirklees Council asset plans show an existing culvert within the garden which may extend to the location of the new building.

The culvert of unknown size, condition or depth appears to connect to a manhole in Sycamore Avenue where it is assumed to connect to a 150mm diameter Yorkshire Water surface water sewer approximately 1.5 metres deep which drains the properties in Sycamore Avenue.

The developer must locate the culvert via trial pits within the garden to confirm its extent and show that it does not pass under the proposed building. Any new building (including any foundations) must be located outside of a 3.0 metre easement from the culvert. Building over the culvert is prohibited unless it can be proved that the culvert no longer actively carries any surface water drainage.

Upon formal consultation, KC Lead Local Flood Authority objected to this application, pending details of the culvert location and extent. Given that the Lead Local Flood Authority objected to this application pending further details of the culvert location and extent, it is not considered reasonable to recommend refusal on these grounds. This is because, it is considered that further information could be submitted in an attempt to overcome the concerns of the KC Lead Local Flood Authority.

Ecology:

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The site is located within a twice buffer zone on the Council's GIS mapping system. Should the application be recommended for approval, a condition would be attached to secure biodiversity enhancements, in the form of bird boxes.

With regard to biodiversity net gain, the submitted application form sets out that the dwelling is a self-build. Self-build and custom build applications are an exception from mandatory biodiversity net gain requirements.

6) Representations

In response to publicity, six objections were received. The objections are set out below, accompanied by an officer response.

Trees:

- TPO trees within the surrounding area, they are part of the landscape and need space and light to grow.
- Insufficient information regarding how the Monkey Puzzle tree, along with other trees protected by TPOs in the vicinity, will be safeguarded during the development process. The Monkey Puzzle tree is not only protected by a TPO but is also listed as endangered on the global IUCN Red List of Threatened Species. Groundworks have already occurred near the roots of this tree, concerned that it may have already suffered damage. There are also other TPOs nearby that may be affected. Both the NPPF and the Kirklees Local Plan require the protection of such trees, and as of now, no clear mitigation plan has been provided.
- Object as there is a monkey puzzle tree under a TPO at this site and no information to confirm it is being retained or will be protected. Work has already started near the roots of this lovely tree.
- Deeply concerned about lack of measures to protect trees in the area, including those protected by TPOs. The endangered Monkey Puzzle tree, listed on the global IUCN Red List, is at particular risk, with groundworks already occurring dangerously close to its roots. Other TPO-protected trees nearby may also be affected. Both the NPPF and Kirklees Local Plan emphasise the need for strict tree protection, yet no clear safeguarding plans have been provided.

- There is a Monkey Puzzle Tree, and it is somewhat of a landmark along this route into Meltham. The roots of such trees differ from other trees and extend well beyond the above ground spread of the tree and require well-draining soils. Ask Council to ensure that any Arboricultural Assessment carefully considers the specific nature and requirements of this tree in order to ensure that such a landmark tree, its root system and water requirements are not harmed by any development.

Officer Response: All of the above objections regarding trees are noted. A full assessment of the impacts of the proposal on trees is set out within assessment section 5 of this officer's report, including details of the consultation response from KC Trees.

Highway Safety:

- Traffic is already very heavy especially during the school hours. Any building work will be challenging and cause much heavier traffic.
- As it is a main school drop off, additional housing to this road will impact the amount of cars coming in to and from the entrance / exit to Holmfirth / Tinker Lane.
- The proposed access to the site is narrow with limited visibility, posing potential risks to both pedestrians and vehicles. This includes users of the application site, and those travelling along Tinker Lane and Holmfirth Road. Tinker Lane is already a busy route, particularly during school drop-off times, and is frequently used by children walking to school. Additionally, it becomes congested during band nights. The proposed development could exacerbate these existing traffic and safety issues.
- Have concerns about highway safety and the children that play on tinker lane and use this route for school. Parking is already bad on Tinker Lane and more vehicles on this route could be a risk.
- Road safety issues are another significant concern. The proposed access point is poorly suited to the volume of traffic it would generate, with restricted visibility and a narrow entrance creating hazards for vehicles and pedestrians. Tinker Lane is already heavily used, especially during school runs and community events, and increased traffic from the development would worsen these existing safety risks.
- The location of the site is such that there is very limited opportunity for on-street parking nearby, without adding to existing difficulties for road users. Ask that any consent recognises the need for sufficient on-site parking, including for visitors, so that the existing parking problem in the immediately adjacent roads is not made worse.
- The access to the site is via a gate onto Holmfirth Road, very close to the corner of Tinker Lane. Vehicles entering and leaving the site must

do so across the pavement, with a high wall to one side. Reversing into or out of the property will pose a particular risk to pedestrians and those waiting to cross Tinker Lane. If any consent at the site is to include on-site parking, urge the Council to insist on sufficient turning area on the site such that vehicles do not need to reverse in or out of the site.

Officer Response: All of the above objections regarding highway safety are noted. A full assessment of the impacts of the proposal on highway safety are set out within assessment section 4 of this officer's report, including details of the consultation response from KC Highways Development Management.

Residential Amenity:

- Be a shame to take the natural light from residents that are across and at the side of this land.
- The proposed property will face living rooms and bedrooms of existing properties on all four of its sides. If any development is to be permitted, as the Council to include a condition that it meets in full the recommendations of the National Design Guide in respect of separation distances for habitable rooms on all sides.
- The actual process of erecting the dwelling will cause enormous disruption in a very tightly and established community including huge noise disturbance to those living in such close proximity.

Officer Response: All of the above objections regarding residential amenity are noted. A full assessment of the impacts of the proposal on residential amenity are set out within assessment section 3 of this officer's report.

Visual Amenity:

- A lack of information about the potential scale and size of the proposed buildings once outline consent is granted. Without this detail, how can we be confident that the development will not result in an oversized building that overshadows and negatively impacts the surrounding properties. This uncertainty makes it difficult to assess the full extent of the development's impacts.
- The proposed development would have a negative impact on the nearby conservation area and could obstruct the view of a historically significant building. This area holds considerable historical value, having been the site of important meetings related to the Meltham Council. The introduction of additional buildings in an already overdeveloped area would result in a cramped environment, further diminishing the heritage of the location.
- Concerns about over development and the nearby properties and has the proximity to the conservation area been considered?

- Development poses serious threat to the character and historical significance of the surrounding conservation area. It risks obstructing views of an important historic building tied to key events in Meltham Council's history. Adding new buildings in this already dense area would compromise the site's heritage value and create a crowded and unsuitable environment.
- There is a troubling lack of detail regarding the scale of the proposed buildings. Without clarity on their size and layout, it is impossible to evaluate the impact on nearby properties. Oversized or poorly designed structures could dominate the area, diminishing the quality of life for local residents and detracting from the neighbourhood's character.
- The application for a single dwelling fails to provide any information at all as to the type of dwelling, height, materials, construction or anything else.
- The impact of a development, just metres in front of Bent House, immediately adjacent to the tree, and in the middle of what is an open area, will be a substantial negative one. The scale, massing and location of the proposed development will have a detrimental impact upon the visual amenity of this important gateway into the town.
- The remaining area of the site available for the footprint of the building and any required soft landscaping seems very limited. If the available building footprint is small, the developer may seek permission for three or more storeys. The impact of a tall, slender detached building on the site would not only give an odd appearance itself but will not be in keeping with the form and arrangement of any of the adjacent or nearby buildings.

Officer Response: All of the above objections regarding visual amenity are noted. A full assessment of the impacts of the proposal on visual amenity are set out within assessment section 2 of this officer's report.

7) Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably

outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

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

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

Recommendation: Refuse
Decision Authorisation: Delegated Powers
Application Number: 2024/92628
Officer Recommendation: Refuse

Reasons for Refusal:

1. Due to the size and constraints of the site the proposed residential development would appear cramped and fail to harmonise with the character of the street with hardstanding and parking dominating the site frontage. To approve the development would result in unacceptable visual harm contrary to policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 2, 5 and 12 of the Housebuilders Design Guide Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.
2. The development would result in a poor standard of amenity for future occupiers, due to the lack of private outdoor amenity space. Therefore, the development would be contrary to policy LP24b of the Kirklees Local Plan, Principle 17 of the Housebuilders Design Guide SPD and Chapter 12 of the Nation Planning Policy Framework.
3. Due to the proximity of the access to the Holmfirth Road and Tinker Lane junction, poor pedestrian intervisibility at the access, loss of existing parking and pedestrian access and the potential lack of space for off-street parking as well as internal vehicle turning, the development would be in conflict with highway safety and manoeuvrability contrary to Local Plan Policies LP21 and LP22, Principle 12 of the Housebuilders Design Guide SPD and the policies contained within the National Planning Policy Framework.

Plans and Specifications Table: -

Plan Type	Reference	Version	Date Received
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Proposed Site / Block Layout	-	-	16.10.24
Location Plan	-	-	24.09.24

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

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

Report dated: 09.12.2024