

Delegated report for 24/00921/RES

Description of Site and Proposal

The site consists of an area of land adjacent to number 34, Pye Nest Road of approximately 341 sqm. To the north and west of the site are the rear gardens and houses on Crestfield Drive whilst to the south is Number 34 with other residential properties beyond. To the east of the site is Pye Nest Road with other residential properties beyond.

Outline consent was granted in January 2024 for the construction of a detached dwelling with gardens and parking accessed off Pye Nest Road on this site under application number 22/00450/OUT.

This application seeks reserved matters for a 3/2 storey dwelling with 5 bedrooms, in this application the appearance, landscaping and layout of the dwelling is to be considered. The dwelling would contain 3 bedrooms, 2 ensuite and a walk in wardrobe on the 1st floor, living room, kitchen, utility, hall and bathroom on the (middle) ground floor and lower ground floor two bedrooms a lounge and a bathroom. As before there is parking and turning for two cars and a NW and SE facing garden. The house is a split level design with three stories facing forwards south, east and west and two stories facing north. It is accessed via the middle ground floor.

Relevant Planning History

Outline consent was granted in January last year for a detached split-level dwelling on this site under planning application number 22/00450/OUT.

Key Policy Context:

Local Plan Designation/Allocation	Critical Drainage Areas
Local Plan policies	IM5 Ensuring development supports sustainable travel CC2 Flood Risk Management CC3 Water resource management HS1 Non Allocated Sites BT1 High quality inclusive design BT2 Privacy, daylighting and amenity space BT3 Landscaping BT4 the design and layout of highways and accesses GN3 natural environment
National Planning Policy Framework Paragraphs	5 Delivering a sufficient supply of homes 12 Achieving well designed places
Other relevant planning constraints	N/a

Publicity/ Representations

The application was advertised via 14 neighbour notification letters, 1 objection and 1 representation were received.

Summary of Comments

- Will block light from my garden and house due to its height.
- Would lead to severe loss of privacy,
- My dwelling and the proposed dwelling would be only 17m apart.
- The elevated position of the dwelling would exacerbate the loss of privacy I am building a 6m rear extension, a section through the two dwellings should be submitted to show the relationship.

Parish/Town Council Comments

The site is not within a Parished area.

Consultee Comments

Highway Officer- No objections.

Environmental Health Officer- No objections

Flood Risk Manager - no comments received

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was revised on the 19th December 2024 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 232 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 22 March 2023. Its policies are aligned with those in the NPPF and they carry full weight.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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; [*for example...land designated as Green Belt...designated heritage assets*] 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. Having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

This is reflected in Policy SD1 of the CLP.

Policy HS1- (Non Allocated Sites)

Proposals for residential development (including those for the renewal of a previous planning permission) on a non-allocated site or building for conversion will be supported, provided that:

- a. The proposal complements the strategic objectives of the Local Plan;
- b. The demands generated from the proposed housing can be accommodated by existing infrastructure;
- c. There are no physical and environmental constraints on development of the site which cannot be mitigated;
- d. If the proposed development falls within Flood Risk Zones 2 or 3, it passes the flood risk Sequential Test, and where necessary, the Exception Test;
- e. The development creates no unacceptable environmental, amenity, traffic, safety, or other problems;
- f. The development conserves or enhances heritage assets and will not harm those elements which contribute to their significance, including their settings;
- g. The site does not have any recognised value for nature conservation; and
- h. The proposal complies with other relevant Local Plan policies.

The principle of development for the creation of a dwellings on this site was established in the outline application 22/00450/OUT. This application seeks to apply for reserved matters for the appearance, landscaping and layout of the dwelling.

The land to the south contains 34 Pyenest Road it was granted planning consent in the 1980's and below this are 36-58 Pyenest Road all leading off Pyenest Road. To the west and the rear lower down are the semi-detached properties of 2-28 Crestfield Drive. The site is in a predominately residential area and given that consent has already been granted for a detached dwelling on this site it is considered that the principle of the development has been granted. It is also considered that the proposal would meet with policy HS1.

The key issue with the application is thus the design/massing/scale/style/materials of the proposed dwelling and whether it is an appropriate change for this setting.

Layout, Design & Materials

Policy BT1 of the Calderdale Local Plan, and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

The site is sloping in nature and the proposed detached dwelling is split level to reflect this being three stories to the south, east and west and two stories to the north.

The proposed dwelling granted consent under 22/00450/OUT also was for a split level part 2 and part 3 storey dwelling. Whilst it may not have the same shape or set back from Pynest Road as number 34 it is angled the same way so that most of the dwelling would be set back in a similar fashion with a gap of between 2.3m to 4.5m to the road. It is also noted that no 34 is also three stories.

The dwelling is L shaped and it has a pitched roof with north, east and south gabled features. It is of a traditional style with mullioned windows, quoins, corbel and springer stones to the eaves.

The proposed materials for the dwelling are natural stone with a natural blue slate roof, grey UPVC windows/doors and grey plastic rainwater and fall pipes. The rear decking would be finished in timber and the parking in permeable block paving. These would complement no 34 and the wider area in general.

Some but not all boundaries have been shown on the proposed plans and elevation drawing no 466/05 E, so it is still not known what the west boundary would consist of or if the stone wall to the north and south would be retained and how high it would be. Hence a boundary treatment condition would be required.

In terms of scale the dwelling would be very similar to that of number 34 Pynest Road the site is prominent however it is considered that the plot of land can accommodate a dwelling of this size and scale.

The proposed block plan submitted shows both soft landscaping and hard landscaping, and whilst there is more hard than soft landscaping ideally it should be the other way around on balance due to the constraints of the site the amount of hard to soft landscaping is considered to be acceptable.

For these reasons it is considered that the proposed dwelling would be compatible amongst the existing dwellings, would thus comply with policy BT1.

Residential Amenity

Policy BT2 of Calderdale Local Plan state, that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex 2 sets out guidelines to help assess whether such impacts will arise.

In addition to these aspects and equally important is ensuring that adequate space about buildings is achieved, whilst acknowledging the need to make the most efficient use of land. The purposes of securing adequate space around buildings are to:

- a. Secure a reasonable degree of privacy in dwellings and prevent overlooking between both new and existing dwellings
- b. Ensure dwellings enjoy a reasonable level of light and are not unreasonably overshadowed
- c. Ensure that development is not overbearing on the outlook from dwellings
- d. Allow amenity spaces around dwellings for landscaping, gardens, play, sitting out, car parking etc - i.e. an 'outdoor room' which can be used in reasonable privacy
- e. Ensure that new development does not unfairly place restraints upon adjoining land or property in terms of the latter's development potential where allocated for (or suitable for) development.

This application seeks reserved matters for a single 2/3 storey dwelling.

There are no dwellings located to the north.

To the south is number 34 Pyenest Road, limited windows are proposed on this elevation that include two ensuite windows. Number 34 Pyenest Road is 4.m away it too has two non habitable windows. There is no minimum distance proposed for non habitable windows facing other non habitable windows a distance of 4.7m would be acceptable.

To the east secondary windows are proposed facing across Pyenest Road they would be in excess of the minimum distance of 18m away at over 26m to 5 Pyenest Road.

To the west main and secondary windows are proposed over three floors. An objection has been raised from 20 Crestfield Drive located to the west that the proposed dwelling would cause loss of amenity due to its height, scale and closeness to number 20. The objector points out that once the 6m projecting garden room approved is built at number 20 there would be a distance of only 17m and that this distance is too low and should be greater than this due to the gradients involved. On looking into this point it would appear that the distance would be more likely to be 19m from the back of the proposed dwelling to the garden room at number 20. This figure is below the minimum distance of 21m main to main or 18m main to secondary. Boundary details are not shown to the western boundary if a 2m fence was implemented on this boundary this would mitigate against the short fall at ground floor level. It would not mitigate against the lounge window at ground floor level. It is noted however that there is a pattern of development whereby the houses fronting Pyenest Road are above those of Crestfield Drive. There are also instances where the houses on Pyenest Road and the houses on Crestfield Drive do not meet the minimum distances in annex 2 particularly where rear extensions have taken place on one or both properties. There are also several evergreen trees which lie in the ownership of number 20 Crestfield Drive which provide an effective screen between the properties. The shortfall of 3m is not significant enough to refuse the application, on balance therefore it is considered provided a fence is provided on the western boundary the proposal will meet with policy BT2.

Highway Considerations

CLP Policy BT4 seeks to ensure that new development provides for safe and efficient movement by pedestrians, vehicles and cyclists. It sets out a number of considerations in order to achieve this.

CLP Policy IM5 seeks to ensure that development supports sustainable travel. Accordingly, new development shall take account of the public transport network, provide adequate means for those with disabilities and mobility impairments to access all modes of transport, manage travel demand through the appropriate application of parking provision and provide adequate cycle parking.

Annex A of the CLP sets out the car and bicycle parking standards for development.

Highways raise no objections subject to the following conditions:

The development shall not be occupied until the off street parking and turning facilities shown on the permitted plans for that dwelling have been constructed and surfaced using permeable paved surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development. These facilities shall thereafter be retained for this purpose for the occupiers of and visitors to the development.

No Gate shall be put in place unless set back at least 5m from the highway.

The development shall not be occupied until details of a secure internal cycle store have been submitted to and approved in writing by the Local Planning Authority. The store shall then be provided in accordance with the details so approved prior to the first occupation of the development and retained thereafter. Ideally this should be internally within the property. If external it needs to be in accordance with the Secured By Design Homes 2019 document, paragraphs 56 and 57. In terms of dimensions at least 2m x 1.4m with an opening of at least 1m is required as this would accommodate two cycles. Note that vertical storage is not accepted.

On this basis the application complies with the above policies.

Flooding and drainage

CLP Policy CC3 establishes that, in order to protect the quality and quantity of water resources, new development will be required to have an adequate means of water supply, sufficient foul and surface water drainage and sewage treatment capacity.

Sustainable drainage systems should be incorporated into development where appropriate. For major developments, they should be incorporated unless there is clear evidence that this would be inappropriate.

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

A drainage maintenance strategy and calculations have been submitted with the application however the LLFA have not provided any comments.

Previously the LLFA have commented,

The proposal is for an additional dwelling on a heavily sloped site. The use of soakaways has been appropriately discounted due to the ground profile.

There is a high risk of surface water flooding attributed to the Pye Nest Road and it is noted that an aco drain and gulley drain have been included to capture these runoff flows. The submitted drainage proposals are limited and detailed design will need to confirm that the site can be drain, restricted and attenuated before discharging to the nearby combined sewer.

They suggested the condition was required to ensure the appropriate drainage of the site,

No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter and several informatives to assist the agent in submitting the relevant drainage information at condition stage.

The above condition is on the Outline application it is thus not necessary to repeat this on the reserved matters application. As such the application complies with policy CC2 and CC3.

Ground conditions

CLP Policy EN3 establishes that developers are expected to understand the environmental implications of their proposals and “ensure that development does not give rise to and is not exposed to environmental hazards.” “Planning applications should be accompanied by documentation that explores the potential hazards and details any mitigation measures needed to make the development acceptable.”

The NPPF para 196/197 states that planning decisions should ensure that ‘a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)’ However, the responsibility for securing a safe development rests with the developer and/or landowner.

The EHO raises no concerns to the proposed dwelling.

Natural Environment and Biodiversity

CLP Policy GN3 establishes that the Council seeks to achieve better management of its natural environment and sets out a number of criteria for development in order to achieve this.

A species enhancement statement has not been submitted, however the Outline consent contains a condition to secure the installation of a sparrow terrace nesting feature on the east elevation of the dwelling.

With this in mind the proposal will conform with policy GN3.

Planning Balance

The proposed dwelling would provide a spacious family 5 bed home within a popular residential area. The site has outline consent for a 2/3 storey dwelling the scale, mass, layout, materials, shape and form of the dwelling would not look out of place given the character of the area and would have a similar relationship to that which 34 Pyenest Road has with Crestfield Drive. The dwelling would be elevated above Crestfield Drive however that is the pattern of development which has been established on this hillside. On this basis the proposal complies with the above policies.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions specified below. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Calderdale Local Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

Date: 16/01/2025

Further Information

Should you have any queries in respect of this application report, please contact in the first instance:- sara.johnson@alderdale.gov.uk (Case Officer).