

**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: 2021/62/93977/W

Site Address: 27A, Pickford Street, Milnsbridge, Huddersfield, HD3 4LG

Description: Erection of two semi-detached dwellings with rear balconies (within a Conservation Area)

Recommending Officer: Tom Hunt

DECISION – Full Conditional Permission

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

Neil Bearcroft

AUTHORISED OFFICER

Date: 6/1/2022

Officer Report

Site Description

2021/93977 27A, Pickford Street, Milnsbridge, Huddersfield, HD3 4LG

The site forms two semi detached stone dwellings constructed under application 2015/92152. The site is flanked by the side elevations of nos.27 and 31 Pickford Street. Pickford Street primarily consists of stone faced terrace dwellings. To the site's rear is an un-named, unadopted track accessed from Morley Lane and connecting through to Francis Avenue. The rear of the plot is on raised ground in relation to the adjacent section to Pickford Street.

Officer Note: This application is a retrospective application for two dwellings approved under 2015/92152.

It is within Milnbridge Conservation Area, however is not a Listed Building or affecting the setting of, and also not adjacent to a PROW. Permitted Development Rights had been removed within 2015/92152.

Description of Proposal

Erection of two semi-detached dwellings with rear balconies (within a Conservation Area) the application has been submitted retrospectively.

The building's footprint is 6.6m x 8.9m approximately, equally split between the two dwellings. The dwellings are two storeys in height, with two-bedrooms located in the roof space per dwelling. The roof is to be double pitched, with side facing gables and a rooflight 0.9mx0.5m on the primary/rear roof elevation of each dwelling to serve bedrooms.

The proposal includes the formation of a shared raised hardsurfaced front yard formed within a stone parapet wall 1.7m height x 3.9m width split between each dwelling, external steps to front doorway and gravel surfaced gardens bounded by timber fencing 1.8m. The stone wall to the front would be 0.6m higher than the existing stone boundary walls. No on-site parking is proposed.

A timber balcony finished in grey paint has been erected to the rear elevation which extends 2.4m from the rear and is 6.6m width at a height of 2.85m from lower ground level approximately. It is supported by timber posts and be open slat timber fenced at a height of 0.8m. It is lit by wall mounted lamps. The rear amenity space is on raised ground to the dwellinghouses and is gravelled and bounded by a timber fence 1.8-2m height at its northwest, southwest and southeast neighbouring boundaries enclosed to preclude parking use.

The dwellings are faced in stone, with stone coloured render to the side with Marley flat grey tiles on the roofs. Opening frames are white uPVC. The

openings would be detailed with lintels to window and doors and cills to windows at the primary elevation, to the rear elevation the patio doors are located on the ground and first floor.

The main alterations from the originally approved plans are formation of balcony to rear, lintels to rear elevation removed, raised yard boundary wall at the front of the property, intensified dwellings from one bedroom to two bedrooms each and reconfigured layout internally.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

2015/92152 – Erection of 2 semi-detached dwellings (within a Conservation Area). Approved.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 29/11/2021

Site Notice Expired: 16/11/2021

Publicity expired: 26/11/2021

One representation have been received; a summary of the comments received is set out below:

- Objection based on overshadowing of property's side window (previously received on 2015/92152.

Response: As set out in the 2015 permission the impact on this side window was considered to be acceptable. The assessment at the 2015 permission was as follows:

***Response:** The impact on these windows is noted. On the balance of probability, as assessed within section 4 of this report, these windows are deemed to be non-habitable windows. Given their nature as non-habitable windows, the impact on these windows is not considered sufficient to warrant the refusal of the proposal.*

Consultation Responses

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

- River and Canal Trust – No comment to make
- Conservation & Design – No response received at time of writing report.

Update from 2015/92152

- Highways Development Management – The unadopted lane at rear of Pickford Street is not considered suitable for vehicular access and at the time of the assessment, no material change had occurred to change the position. The rear amenity space remains unsuitable for off street parking following 2015/92152.
- Biodiversity – No objection subject to condition. Condition to be carried forward with amendment.
- Environmental Health – The development was carried out with the previous condition on contaminated land. No issues were reported.

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 in the Milnsbridge Conservation Area on the Kirklees Local Plan. It is in a Bat Alert Layer and not in a Coal Risk area. It is within a 'Notified area Minor and Household Scale Development' area.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 3 – Location of new development**
- **LP 11 – Housing Mix and Affordable Housing**
- **LP 20 – Sustainable travel**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 27 – Flood risk**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic Environment**
- **LP 53 – Contaminated and unstable land**

Kirklees Council has adopted its supplementary planning guidance on house building which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

The following SPDs were adopted on 29th June 2021 can be viewed on the council's website at <https://www.kirklees.gov.uk/beta/planning-policy/adopted-supplementary-planning-documents.aspx>:

- Housebuilders Design Guide Supplementary Planning Document

- House Extensions and Alterations Supplementary Planning Document
- Open Space Supplementary Planning Document

These are now a material consideration in the determination of planning applications.

The following two documents have also recently been approved by Cabinet and these can be viewed at: <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

As such, it is anticipated that these adopted SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 July 2021, 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 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is located within the Milnsbridge Conservation Area on the Kirklees Local Plan. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance/setting of buildings or land within a Conservation Area.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

Given that the site is unallocated for Housing, Policy LP1 of the KLP is relevant which states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Chapters 1 and 5 of the NPPF and Policy LP 1, 2, 3 and 11 of the Kirklees Local Plan in general support residential development.

The principle of developing the site has been established by the previous permission, however given that the application is for two dwellings the overall scheme will be briefly reassessed along with the changes to the scheme.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. In addition, Principle 2 of the adopted '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.”

The overall design, including the building's height, roof design, and fenestration, is considered to suitably reflect the traditional form and character of the surrounding dwellings. The surrounding high density residential area, while predominantly hosting terrace housing, does have examples of semi-detached dwellings alongside terraced units and it is noted that the design resembles terraced housing in form and character in its infill setting aiding in it being in keeping with the high density of the area and its urban grain. In addition it would be well served by sustainable public transport links supporting the local area and the high density setting. This would be in accordance with Principle 3, 4 and 15 of the adopted 'Housebuilders Design Guide SPD'.

The setting of the two dwellings are set back from the highway similar to the adjacent dwellings forming a coherent building line with a modest increase in the boundary wall in relation to the adjacent boundary walls forming defensible space which are built of stone harmonising with the street in material and form according with Principle 5 of the adopted 'Housebuilders Design Guide SPD'. Render and stone as facing materials, with concrete tiles

on the roof were approved as part of the 2015 permission and are considered to be acceptable.

In terms of the design changes to the approved scheme, the provision of balconies to the rear whilst introducing a new feature to the property are on balance considered to be acceptable as they are of modest projection, simple design and located on the rear elevation reducing their prominence. The provision of patio doors at first and ground floor and the loss of the rear heads to the patio windows is on balance considered to be acceptable given that the dwelling is constructed of natural stone and stone heads and cills have been retained on the front elevation.

With respect to heritage Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant. Policy LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”.

The previously approved scheme was considered to have an acceptable impact on the Conservation Area and this remains the case even with the design changes detailed above. Any impact on the conservation area is less than substantial and the public benefit of providing two dwellings outweighs the any harm caused.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policies LP24 and LP35 of the Local Plan, Policies in Chapter 12 and 16 of the NPPF and Principle 2, 3, 5 and 13 of the adopted 'Housebuilders Design Guide SPD'.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*”

In addition, the adopted 'Housebuilders Design Guide SPD' is relevant concerning Principle 6 – High Standards of residential amenity and Principle 16 – internal space standards.

The impact of the dwellings on surrounding properties was previously assessed in the 2015 permission, the assessment from that report is set out below. Whilst there has been a change in policy since the 2015 permission, the key matters of consideration remain the same. Principle 6 of the adopted 'Housebuilders Design Guide SPD' also has a pragmatic approach that advises that while separation distances should be 21m between windows of habitable rooms between the rear of dwellings and to have 12m between windows facing habitable to non-habitable rooms and vice versa; there are still design solutions available and should be in keeping with the character and context of the site.

The main changes to the current scheme compared to the approved scheme that relate to residential amenity, are the provision of two bedrooms within the roof space and the provision of the balcony on the rear elevation, the impact from these changes will be assessed separately.

Previous Assessment

Policy BE12 of the UDP outlines recommended separation distances. The proposal will not comply with the suggested separation distances to the front or side elevations: habitable room windows on the front elevation will face neighbouring windows at a distance of 13.0m, below the recommended 21.0m, and the walls of the new dwelling will be within 1.5m of the boundary with both side neighbours. Nevertheless, the preamble for policy BE12 states;

‘The Council is aware that in many cases a pragmatic approach can be taken in respect of space requirements within residential areas. In many cases where infill development is proposed, it may be reasonable to accept existing space standards within the immediate locality if this ensures that the privacy or amenity of existing residents is not detrimentally affected’

The above is considered relevant to the proposed development. The surrounding buildings are traditional dwellings, built pre 1940. Given this, in addition to the high density of dwellings in the area, many houses fail to comply with Policy BE12’s separation distances. Pickford Street hosts terrace dwellings with limited setback from the carriageway: the separation distance between the dwellings to each side of the road is consistently 13.0m. As terraced dwellings, there are no open spaces between dwellings.

In terms of the impact the proposal has on neighbours, as noted the proposed dwellings will face nos.24 and 26 Pickford Street. The distance will be 13.0m, in keeping with existing separation distances on street. In this situation, it is not considered the proposal would prejudice the amenity of nos.24 and 26’s occupiers. The dwellings to the rear are not positioned, or close enough, to be impacted upon by the proposal.

The side neighbours, no.27 and 31, have no habitable windows which overlook the site. Nos.27 and 31 have a front elevation in line with the proposed dwellings. No.31 has no habitable windows on its rear, and no.27 has a two storey rear extension which projects beyond the rear of the proposed dwellings.

Notwithstanding the above there are three openings in no.27’s side elevation. One is an obscurely glazed door; another is very small in scale and is obscurely glazed. As obscurely glazed windows, they are deemed to serve non-habitable rooms. The other window, at first floor level, is clear glazed. It is not clearly identifiable what room the window

serves. Nevertheless given its central location on the side elevation, on the side of the dwelling that the front door is, in addition to the known layout of terrace dwellings, on the balance of probability it is considered reasonable to assume the window is either a landing or bathroom window. While the proximity of the development to these windows is noted (1.0m), given their nature as non-habitable room windows, any detrimental impact caused is not deemed sufficient to warrant refusal of the application.

For the above reasons it is not considered that the proposal would materially impact on the residential amenity value of any of the surrounding dwellings.

4.2 – Impact on future occupiers

As noted above the proposal does not comply with BE12 in terms of separation distances. This is pertinent for the front windows of the proposed dwellings. However the above assessment, taking into account local characteristics of separation distances, applies to this dwelling and its residents; thus no undue impact is anticipated.

Each dwelling has acceptable internal facilities (Bedroom, Kitchen, Livingroom, Bathroom). It is noted that the internal space of each dwelling, at 65.6m² is below the guidelines of the 'Technical housing standards – nationally described space standard', which recommends 70m². Nevertheless the size difference is not considered material, and it is considered the proposed dwellings would be of a size in keeping with the surrounding dwellings. This is true too of the external garden space.

Notwithstanding the above, the second floor bedrooms are to be served by two Rooflights as opposed to a traditional window. Nevertheless the Rooflights are good sizes, and there are two per room. It is considered that they will provide sufficient light and outlook to ensure the occupant of the room has an acceptable amenity value. Bedrooms in roof spaces, served by Rooflights, are not uncharacteristic on terrace or high density dwellings.

4.3 – Residential impact conclusion

The proposal as submitted is not considered to impact on the residential amenity of surrounding dwellings. Furthermore the future occupiers will have a suitable level of amenity. Thus the proposal is deemed to comply with Policy D2 of the UDP and Paragraph 17 of the NPPF.

Notwithstanding the above, potential changes through Permitted Development to the dwellings could impact on neighbours and future residents. To prevent a loss of privacy it is deemed necessary to remove PD rights for windows. To prevent an overbearing and

overshadowing impact on neighbours, and reduce the external amenity space for residents, it is considered necessary to remove PD rights for ground based extensions.

Impact of Balcony

The rear balcony erected at the site has the potential to impact on no.31 and 27 Pickford Street and to a lesser extent 47 Morley Lane. The impact on no.27 would be mainly screened by the two storey blank rear elevation. Whilst there would be some potential to overlook the garden space of no.27, given the relatively modest size of the balcony combined with the two storey extension the impact is not considered to be detrimental. In terms of no. 31 a privacy screen has been erected to prevent any detrimental overlooking, such a screen is considered to be sufficient to prevent overlooking and will be conditioned to be retained. Whilst the screen does add some addition bulk to the site, it is not considered to lead to any detrimental overbearing of overshadowing impact given that the adjacent rear elevation of no.31 is blank at first floor level. It is noted that the balcony between the two properties would lead to a close relationship and it would also restrict some daylighting to the lower ground designated a dining kitchen. However given that they are two new properties future occupiers would be well aware of the relationship and on balance this is considered to be acceptable.

In terms of overall internal size the bedrooms would offer one double bedroom (marked as Bedroom 2 on submitted floor plans) that is closely matching Nationally Described Space Standards (NDSS) enough to be acceptable and one single bedroom (marked as Bedroom 1) which would not meet NDSS offering a small bedroom with some limited headspace. However the works have already been undertaken and It is noted that works to form internal walls fall outside of planning control and on balance given the internal space afforded by the two storey dwellinghouses with accommodation in the roof and the outside amenity space with balcony would on balance be acceptable for residential amenity of its occupants.

Notwithstanding the above, the bedrooms in the roof are to be served by one Rooflight each as opposed to a traditional window. Nevertheless the Rooflights are good sizes, and there are one per room providing adequate light and outlook to ensure the occupant of the room has an acceptable amenity value. Bedrooms in roof spaces, served by Rooflights, are not uncharacteristic on terrace or high density dwellings.

It is however necessary to place a condition to subdivide the rear amenity space with boundary fencing of 1.8m between the properties to demarcate rear outside amenity space for privacy and residential amenity use of its occupants. This was also a condition of the 2015 permission.

In the original application 2015/92152, it was considered necessary to remove Permitted Development Rights for Class A to E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England)

Order 2015 (as amended) to prevent an overbearing and/or overshadowing impact to neighbours. Given the tight nature of the site it is considered appropriate to retain these conditions.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. No parking spaces or vehicle access are proposed to the site.

The site is less than a 5 minute walk from Milnsbridge centre. Milnsbridge hosts numerous local shops, includes a large food store, and transport links to Huddersfield and the greater region. The site is also walking distance to Manchester Road, which offers frequent public transport to Manchester. Thus, from a transport perspective, the site is deemed to be sustainable.

Apart from no.31 within its larger plot, the dwellings on Pickford Street do not have parking spaces: this has led to a high level of on-street parking. Nevertheless, given the sustainable location of the site, in addition to the small scale of the proposed dwellings, on balance it is not considered that the proposal would cause a materially significant detrimental to the local Highway network through the increase of on-street parking.

The rear alley's access to the rear of Pickford Street is considered of poor quality, substandard, narrow and would not still be considered suitable for intensified use by the proposed dwelling as a vehicle access point. As such it is necessary to restrict the use of the rear amenity space to exclude parking use to prevent additional harm to highway safety with boundary fencing conditioned to the rear boundary of the outside amenity space (southwest) further conditioned to be subdivided for individual residential amenity use.

5 – Other matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates 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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

The 2015 permission required the provision of bat and bird boxes which are shown on the submitted plans these conditions will therefore be reissued with this permission. It is noted that the bat boxes would be in close proximity to some external lighting which is not ideal, however it is likely that this lighting will only be switched on when balconies are in use and therefore it is considered that there remains a reasonable ecological benefit of providing the bat boxes.

6 – Representations:

One representation had been received which was similar to a previous representation under 2015/92152 and was considered carefully at the time. No new evidence or substantial change has been received, the representation however was again assessed within residential amenity to non-habitable windows in detail.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93977

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

2. Before the hereby approved dwellings are first brought into use, a 1.8 metre high close boarded timber fence, with a private gate for each dwelling shall erected along the southwestern boundary of the outside amenity space. In addition, a close boarded timber fence, minimum 1 metre in height, shall subdivide equally the rear outside amenity space to clearly provide private outside amenity space for each dwelling from the rear access path to allow bins and/or cycles to be moved and stored safely.

Reason: In the interests of amenity and highway safety, to ensure unacceptable vehicle movements are not undertaken to access the site, in accordance with LP 21, 24 and 22 of the Kirklees Local Plan, Principle 5, 6, 11 and 12 of the adopted 'Housebuilders Design Guide SPD' and of the Highways Design Guide SPD.

3. The 'timber privacy wall' as shown on Dwg. No. UD-443 Rev B entitled 'Proposed Elevation' and as erected on site shall be retained in place at all times and if necessary repaired like for like.

Reason: In the interests of protecting the residential amenity of adjacent properties and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the house builders design guide SPD.

4. No vehicular access to the dwellings shall be taken from the access lane to the rear of the site; furthermore, the rear amenity space shall at no time be used for the parking of vehicles.

Reason: In the interests of amenity and highway safety, to ensure unacceptable vehicle movements are not undertaken to access the site, in accordance with LP 21 and 22 of the Kirklees Local Plan and of the Highways Design Guide SPD.

5. Prior to the hereby approved dwellings being first brought into use, the 1FFH Universal Bat Boxes and Sparrow boxes shown on Dwg. No. UD-443

Rev B entitled 'Front Street Elevation' and Dwg. No. UD-443 Rev B entitled 'Proposed Elevation' shall be installed on the dwellings and retained thereafter.

Reason: In the interests of the biodiversity of the site and to provided ecological enhancement measures at the site and to accord with Policy LP 30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevations of the dwellings hereby approved.

Reason: So as not to detract from the amenities of adjoining properties or future residents, by reason of loss of privacy, so as to accord with Policy LP24 of the Kirklees Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A or E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the location plan submitted with this application without the prior written consent of the Local Planning Authority.

Reason: So as not to detract from the amenities of adjoining properties, by reason of loss of residential amenity through overbearing or overshadowing. To also ensure that the proposal would harmonise with the Milnsbridge Conservation Area, so as to accord with Policies LP24 and LP35 of the Kirklees Local Plan and 12 and 16 of the National Planning Policy Framework.

NOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Block Plan	Site and Location Plan. Drawing: UD-443. Revision: A.	A	15/12/2021
Plans – Proposed Elevations	Front Street Elevation. Drawing UD-443. Revision: B.	B	15/12/2021
Plans – Proposed Elevations	Proposed Elevation. Drawing UD-443. Revision: B.	B	15/12/2021

Plan Type	Reference	Version	Date Received
Plans – Proposed Floor Plans	Proposed Floor Plans. Drawing: UD-443. Revision: A.	A	15/12/2021
Supp Info – Conservation/Heritage Statement	-	-	21/10/2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiations with the applicant to secure amended plans to ensure the scheme was effectively targeted for biodiversity.

Report Dated: 22/12/2021