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:	**2023/62/93561/E**
Site Address:	20C, North Road, Kirkburton, Huddersfield, HD8 0NX
Description:	Engineering operations to form vehicular access
Recommending Officer:	Nicole Helliwell

DECISION – Conditional Full 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Jun-2024

Officer Report
Reference No. 2023/62/93561/E
Site Address: 20C, North Road, Kirkburton, Huddersfield, HD8 0NX
Proposal: Engineering operations to form vehicular access

Site Description
The application relates to 20C North Road, a two-storey detached property located in Kirkburton, Huddersfield. The property is faced in stone and incorporates a dual-pitched roof finished in slate. The property currently benefits from a detached garage, a driveway to the front and a sufficiently sized garden to the rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials and architectural styles. There are no listed buildings or Public Rights of Way (PROW) within close proximity to the site. However, the site is located adjacent to the Kirkburton Conservation Area.

Description of Proposal
The application seeks planning permission for engineering operations to form vehicular access for the purposes of storing a caravan. The application form states that a grey metal gate and posts will be installed along with northern boundary of the site and permeable dark grey hard standing would be used to create the parking area.

Relevant Planning History
- **2021/94365**: Erection of single storey side extension, balcony, and the formation of bi-fold doors. Planning application details | Kirklees Council – Conditional Full Permission
- **87/05022**: Erection of 3 detached dwellings and garages. Planning application details | Kirklees Council – Granted Conditionally
- **87/02237**: Outline application for erection of. Planning application details | Kirklees Council – Granted Conditionally

Representations
The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 9th February 2024. As a result of the above publicity, no representations have been received.

Parish/Town Council Comments
Kirkburton Parish Council
The Parish Council has concerns about the proposed development as the site is adjacent to the entrance to what has become known as Burton Community Field, which has become a valuable asset to the local community especially during lockdown. It is important in enhancing the woodland and appearance of the entrance to the Community Field. The proposal appears to miss the existing

mature trees on the site. However, their roots are likely to be damaged when exposed and by the use of a wacker plate during construction so it is requested that Kirklees Council's Tree Officer is consulted and any subsequent work be carried out by a qualified tree surgeon. Secondly, a caravan parked permanently in the wood will detract from the appearance of the entrance to the field, so it is suggested that a native hedge be planted to screen it from the road and field. This will also enhance the security of the caravan.

Response: Officers have assessed the impact of the proposed development on the character and appearance of the locality within the 'visual amenity' section of the report. Furthermore, matters relating to the existing trees have been addressed within the 'other matters' section of the report.

Consultation Responses

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

KC Conservation and Design – No objection
KC Trees - No objection subject to recommended condition
KC Highways Development Management – No objection subject to recommended condition

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. However, the application site does sit adjacent to the Kirkburton Conservation Area. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 33** - Trees
- **LP 35** - Historic Environment
- **LP 52** - Protection and Improvement of Environmental Quality

Supplementary Planning Guidance/Documents:

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and Enhancing the Historic Environment

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design.

The application site is located adjacent to the Kirkburton Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the

Conservation Area. This is also mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of the Kirklees Local Plan.

In this case, the principle of development on the application site could be acceptable subject to its assessment against all other material planning considerations, including design, visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity and Historic Environment

Visual Amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) states that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The external alterations proposed include engineering operations to form vehicular access, the installation of a grey metal gate and posts within the northern boundary of the site and the use of permeable dark grey hard standing. Although the proposed works would alter the external appearance of the application site, it is considered that the alterations would not have any significant visual impact on the character and appearance of the surrounding area and would be acceptable with regard to visual amenity.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

Historic Environment

Paragraph 131 of the NPPF outlines that development should be sympathetic to local character and history, including the surrounding built environment and

landscape setting. Furthermore, Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

Paragraph 203 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant, and requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

LP35 of the Kirklees Local Plan requires development proposals affecting the conservation area to preserve or enhance its significance, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

The application site is located adjacent to the Kirkburton Conservation Area. As such, KC Conservation and Design were informally consulted on the proposed scheme. Officers did raise concerns regarding the metal gate given its visibility and proximity to the conservation area. However, in this instance, Officers did consider that the gate would be acceptable given that the appearance would be similar to the adjacent gate at Burton Dean Park.

It is therefore considered that the proposed development would not cause any detrimental harm to the significance of the Kirkburton Conservation Area and would comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst

other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Due to the nature of the proposed works, it is considered that the proposal would not lead to an overbearing, overshadowing or overlooking impact to any residential amenity and would be acceptable in this regard.

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

3. Impact on 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. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. KC Highways were informally consulted on the proposed scheme and did ask the applicant to demonstrate that visibility splays of 2.4m x 43m can be achieved on site. A drawing was submitted in this regard which was considered acceptable by KC Highways.

A condition will be added to the decision notice to ensure that the vehicle parking areas will be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies ‘Guidance on the permeable surfacing of front gardens (parking areas)’ published 13th May 2009 (ISBN 9781409804864) as amended or superseded. Furthermore, a new vehicular crossing will need to be provided for the proposed driveway. These works would need to be completed via a Section 184 agreement with the Council.

Therefore, the proposal would not cause detrimental harm to the safe and efficient operation of the highway network and would comply with Policies LP21

and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. Other Matters

Carbon Budget

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

Trees

The proposed development site is significantly constrained by existing trees. The trees are not within a conservation area or subject to a Tree Preservation Order (TPO), however, their retention and long-term prospects is a key consideration within a planning application whether they are protected or not. Formalising the hard surfaces for carparking is not a nonstarter from a tree's perspective. However, for the proposed to be acceptable the construction of the surfaces would need to use a "none-dig" approach. Cellweb® Tree Root Protection (TRP) would be an example of an industry recognised approach that would likely be able to achieve the proposal while minimising the impact on the trees. Overall, there is no objection from a Tree's perspective subject to the recommended conditions.

Biodiversity

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Counci;s GIS mapping system, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

Further information was sought during the course of the application. Following an informal consultation with KC Highways, a request was made to demonstrate that visibility splays of 2.4m x 43m could be achieved. A drawing

was submitted in this regard which was considered acceptable by KC Highways.

7. Conclusion

This application for engineering operations to form vehicular access at 20C North Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered to be acceptable.

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: 2023/93561
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. 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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP21, LP22, LP24, LP30, LP33, LP35 and LP52 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The development shall not be brought into use until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 (ISBN as amended or any successor guidance. The parking space shall be so retained, free of obstructions and available for the use thereafter.
Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The development hereby approved shall not commence until a detailed construction of the proposed parking area has been agreed in writing with the local planning authority that uses an industry recognised cellular confinement

system. There after the approved construction/design shall be implemented in complete accordance with the approved detail.
Reason: This detail is required prior to development commencing on site to protect the viability of the existing trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

5. Development shall not commence until an Arboricultural Method Statement, has been submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details of including but not limited to the following:

- removal of existing structures and hard surfacing.
- installation of temporary ground protection
- excavations and the requirement for specialized trenchless techniques within the RPAs of retained trees
- installation of new hard surfacing – materials, design constraints and implications for levels within the RPAs of retained trees
- retaining structures to facilitate changes in ground levels
- preparatory works for new landscaping/replacement planting
- auditable/audited system of Arboricultural site monitoring, including a schedule of specific site events requiring input or supervision

and how the construction work will be undertaken with minimal damage to the adjacent trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
Reason: This detail is required prior to development commencing on site to protect to viability of the existing trees within the application site and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: The changes to the access within the adopted highway fronting the property, to provide a dropped kerb, will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	**Reference**	**Revision**	**Date Received**
Location Plan	PP-12623919v1	-	11/12/2023
Current Site Plan	-	-	11/12/2023
Current Site Plan – showing excavation sections	-	-	11/12/2023
Proposed Site Plan	-	-	11/12/2023
Site Plan showing Visibility Splay	-	-	28/05/2024
Cross Section A	-	-	11/12/2023
Cross Section B	-	-	11/12/2023
Cross Section C	-	-	11/12/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority 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. In this case, the design of the original scheme has been found acceptable. Although further information was

requested by the Case Officer, the information provided was considered acceptable with regard to highway safety. The applicant has also confirmed their agreement to the pre-commencement conditions.

Report Dated: 13/06/2024