

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/91932/E
Site Address:	Land adj, 33, Brooke Street, Cleckheaton, BD19 3RY
Description:	Erection of one dwelling and associated works
Recommending Officer:	Edward Cheseldine

DECISION - REFUSED

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

Emma Thompson

AUTHORISED OFFICER

Date: 13-Apr-26

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Officer Report

2024/91932 - Land adj, 33, Brooke Street, Cleckheaton, BD19 3RY

Site Description

Land adjacent to 33 Brooke Street forms part of the residential curtilage of the existing property with the proposed development located within the side garden. 33 Brooke Street is a two-storey terrace dwelling with traditional appearance.

The property benefits from a modest front and rear garden, as well as side space. It is bound to the front by a stone wall with metal railings and to the rear by a brick wall, with timber fencing to the side. Brooke Street is residential in character with more modern dwellings located opposite the site. Cleckheaton Town Centre lies approximately 63 metres to the east.

Proposal Description

The applicant is seeking permission for the erection of an end-terrace dwelling. It will be 5.75m(w) x 10.00m(l) with an eaves height of 5.60m and a ridgeline height of 8.70m. It will feature a single-storey rear projection which is 3.00m from the rear elevation, set across the building, it has a maximum height of 3.10m. The roof features dormers on the front and rear roof planes. The building will be constructed with stone exterior walls and slate tiled roof.

Amendments/Negotiations

The following amendments were requested:

- Details of internal floor changes for 33 Brooke Street due to the side window lighting a bedroom.
- Change of style for the front dormers to a gable-end for a traditional appearance in keeping with the terrace row.
- Introduction of stone features on the front elevation for a traditional appearance in keeping with the terrace row.
- Side windows to be altered.

Following the requested amendments, plans were received changing the front dormer style, incorporating stone features on the front elevation and changing the size and height of the side windows.

Plans indicating changes to the internal layout of 33 Brooke Street have not been received.

An assessment has been undertaken in respect of the amended plans as submitted.

Relevant Planning History

None relevant to this application.

Public Representations

Neighbourhood notification letters were distributed to advertise the application, which expired on the 27-Nov-2024. As a result of the publicity, no representations were received.

Consultation Responses

KC Highways – Verbal comments received. No objection to introduction of a new dwelling with no off-street parking.

Policy & Legislation

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

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

Kirklees Local Plan (LP):

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

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

National Policies and Guidance

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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

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

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

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019).
- Kirklees Housebuilders Design Guide SPD (2021).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Gov Uk Biodiversity Net Gain Technical Guidance (2023).

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
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Issues
- 5) Conclusion

Principle of Development:

Sustainable Development

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

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

The site is UNALLOCATED on the KLP Policies Map. Policy LP2 states that:

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

New Dwellings

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75%

HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

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

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate one dwelling. The application is for an additional dwelling therefore meeting the density requirements which would be acceptable providing the plans meet the requirement of footnote 8 of the NPPF.

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

Impact on Visual Amenity

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

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

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

LP24 states that proposals should promote good design by ensuring:

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

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

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

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

Principle 5 relates to the layout of the development in respect of the visual connection of surrounding areas. The design of windows and doors relate well to the street frontage and neighbouring properties is required by principle 14 of the Housebuilders Design Guide. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Although the area contains a mix of building types, the north side of Brooke Street retains a traditional character, formed by the terraced properties and 29a Brooke Street. These buildings are constructed of natural stone with stone slate roofs, and incorporate stone detailing that further reinforces the traditional appearance of the street.

The new dwelling incorporates features in keeping with the adjacent buildings including stone corbels and sash size openings. The fenestration placement is respectful of the simple nature of the terrace properties. Gable-end dormers will be introduced on the front roof plane which is an appropriate style. Additionally, the building continues the building line of the terrace row.

The new dwelling will be erected with stone walls with stone features and stone slate roof. Grey Upvc window frames will be installed. The materials are appropriate when considering the wider street scene.

The ridgeline of the dwelling will sit slightly above the adjoining dwelling. There is a stepped ridgeline between the sets of properties on the north side of Brooke Street due to the slope. The ridgeline will be ~0.50m above the adjoining property. It will not appear dominant due to the slight height increase.

In terms of orientation and placement, the property will face towards Brooke Street. The front elevation will be level with the adjoining terrace. There is a single storey protrusion to the rear that projects 3.00m from the rear of the adjoining terrace. As the extension is single storey, the additional massing is acceptable.

The front of the property is accompanied by a modest outdoor area similar to the other terrace properties continuing the frontage of the street. It will be bounded by a stone wall with metal railing which will have a satisfactory appearance.

In respect of visual amenity, the new dwelling respects the streetscene and character of the existing building group according with Principles 2, 5, 14 & 15 of the Kirklees Housebuilder Design Guide Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

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

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

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

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

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

The properties that will be affected by the development will be, 10c, 29a, & 33 Brooke Street. It is noted there are other properties on the south side of Brooke Street which are over 21.00m from the front facing windows, therefore there will not be an impact to these dwellings.

Impact on 10c Brooke Street

10c Brooke Street is located on the opposite side of the road to the application site, it is slightly angled away from the proposed building. There is a separation distance of 18.00m between the properties.

In terms of an impact on privacy, Brooke Street is an established road with residential properties lining both sides of the street. Properties such as No.33 have a similar relationship to the property. Given the existing relationship of the street, it is not considered the forward facing windows will have an impact that would be detrimental to the privacy of the occupants of 10c Brooke Street.

Due to the distance, there will not be a loss of light or outlook from the property proposed.

Impact on 29a Brooke Street

29a Brooke Street is a large, detached building, it currently has permission for multiple occupancy accommodation. There are several side windows on the property will be ~3.60m from the new dwelling. It was noted during an officer

site visit that the three side windows are obscurely glazed. Side windows are proposed to light bedrooms on the first-floor and a bathroom and kitchen/dinner on the ground floor. The side facing windows that light habitable rooms will be high level windows allowing for light, whilst mitigating a direct overlooking relationship if the layout of the adjacent building alters. The bathroom window will be obscurely glazed for privacy. The impact of this window layout is acceptable.

A distance of 3.60 metres between the properties will be retained, which will allow for a flow of light into the side windows of 29a Brooke Street.

Impact on 33 Brooke Street

33 Brooke Street will be the adjoining property attached to the building proposed. It currently has two side facing windows. Officers requested floor plans of the building to identify what rooms these windows light. On 16 December 2024, the applicant indicated 33 Brooke Street would require its internal layout re-arranging so that all bedrooms are served with a window. These details were further requested by Officers on 31 October 2025. However, no plans have been received to indicate internal alterations for 33 Brooke Street. In terms of impacts, a new dwelling attached to the side of this property would remove the sole outlook for a bedroom window which would result in a total loss of outlook and light for a habitable room, which would be contrary to Principle 6 of the Kirklees Housebuilders Design Guide SPD, part b & c of Policy LP24 of the Kirklees Local Plan and paragraph 135 of the NPPF.

In terms of the rear facing windows of the proposed building, there will be new outlooks from all three floors. In terms of the ground floor windows, boundaries have not been indicated, however it is considered sufficient mitigation could be achieved by way of a condition. The first and second floor window will have an overlooking view into the rear garden of 33 Brooke Street. However, this property is part of a terrace row where the private garden is already overlooked by neighbours. Considering the existing relationship, it is not considered the new outlooks would result in a further impact on privacy that would be to the detriment of the occupant of this building.

In terms of the single-storey rear projection, the height and depth is considered to be appropriate in order, complying with guidance for single-storey rear extensions set out in the Kirklees House Extensions & Alterations Supplementary Planning Document so the ground-floor windows maintain a suitable outlook and level of light.

Impact on the Amenity of Future Occupiers

Policy LP24 b) of the KLP which requires proposals to provide a high standard of amenity for future occupiers.

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

The development is for the erection of a four-bedroom dwelling set over three floors. Nationally Described Space Standards (NDSS) outlines such a property must be 103m². The proposed dwelling is set to be 146m² (excluding basement) therefore meeting the guidance. Each bedroom measures 18m², 16m², 12.5m² & 11.2m², therefore meeting the guidance for double and single occupancy rooms set out under NDSS.

A high standard of amenity for occupiers should not just be deduced to a calculation of floorspace but also the quality of the space provided. There is ample room within the building to carry out a suitable level of amenity. Rooms are well lit due to the openings. When accounting for windows and doorways, there is a suitable amount of personal storage space and a sufficient level of fittings can be accommodated.

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.”*

A modest rear outdoor space of 29m² is proposed, the area is considered to be relatively private and sufficient to provide a basic level of amenity for future occupiers when considering the plots of neighbouring properties.

Residential Amenity Conclusion

Having considered the above factors, it is considered that the proposed development would result in an unacceptable impact on the residential amenity of the adjoining occupiers at 33 Brooke Street. Insufficient information has been provided to demonstrate that the existing internal layout of the property can be satisfactorily reconfigured to mitigate the loss of the affected window. The proposal would result in the complete loss of outlook and natural

light to a habitable room, which is served by a sole side-facing window. This would give rise to a harmful and oppressive living environment for future occupants of that room. The development is therefore contrary to Principle 6 of the Kirklees Housebuilders Design Guide SPD, Parts (b) and (c) of Policy LP24 of the Kirklees Local Plan, and paragraph 135 of the NPP

Impact on Highway Safety

Policy LP21 states all proposals should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Development will result in a new four-bedroom dwelling. Brooke Street is a two-way carriage way. Dwellings on the street typically do not have provisions for off-street parking due to the terrace type properties that make-up the predominant house type of the street. Although, it is noted the adjacent property and some properties opposite the application site have driveways.

A four-bedroom dwelling should typically be accompanied by 3 off-street parking spaces. When taking all matters into consideration, considering the existing building group on Brooke Street and the off-street parking provisions in the immediate vicinity, the material factors are sufficient to conclude the provision of on-street parking for this dwelling is acceptable in this instance.

Environmental Matters

Ecology & BNG

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site is in an area known to include bats and twites which are protected species. The application has not been accompanied by a Preliminary Ecological Assessment, to identify the likelihood of habits or records of species existing within the site. Development will affect the eaves of the existing property where bats may roost. Additionally, no information has been provided in terms of the habitats that would be removed as part of the proposal in order to identify the type of habitat uplift that should occur on site.

NPPF paragraph 193 a) states, 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. When considering this, it has not been sufficiently demonstrated development would avoid leading to the destruction of protected species or their habitats. At this stage, it is not clear what mitigation measures would be required for the site. Therefore, the proposal fails to accord with paragraph 193 a) of the NPPF and Policy LP30 of the Kirklees Local Plan.

Following comments from KC Ecology, further information in relation to the ecological impact of the proposal was requested, however communication confirming receipt of the correspondence has not been received. Furthermore, an extension of time has not been agreed upon.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

BNG information was reviewed by KC Ecology, they made the following comments. *'There does not appear to be photographic evidence to concur the information in the BNG Baseline report. Also, the BNG metric not available to review in order to validate the baseline calculations.'*

This information is required to establish the site's baseline ecological value, verify the applicant's claim regarding the timing of any site clearance and statutory exemptions, identify potential impacts on protected species and habitats, and demonstrate how the statutory minimum 10% measurable net gain for biodiversity would be achieved in accordance with the Environment Act 2021. In the absence of this information, the proposal fails to comply with Policy LP30 of the Kirklees Local Plan and Paragraphs 193 and 195 of the National Planning Policy Framework 2024.

Following comments from KC Ecology, further information in relation to the ecological impact of the proposal was requested, however communication confirming receipt of the correspondence has not been received. Furthermore, an extension of time has not been agreed upon.

Waste Collection

Policy LP43 of the Kirklees Local Plan, seeks to safeguard suitable waste management facilities for developments to work towards achieving the objectives and targets for recycling/recovery for waste as set out in the Waste

Framework Directive. Policy LP22 also relates in terms of the ability for waste to be stored and collected so not to impact upon the existing highway network.

Details of bin storage and collection have not been included within the application information. A condition is required to ensure details are submitted in writing and approved by the LPA in order to demonstrate acceptable bin storage and collection to comply with LP22, LP24 & LP43.

Carbon Budget

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.

A climate change statement has been submitted as part of the application which details the intended measures to be incorporated.

Conclusion

The application at land adjacent to 33 Brooke Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

Development would result in the removal of the sole outlook for a bedroom window which would result in a total loss of outlook and light for a habitable room. Additionally, suitable ecological information has not been provided to ensure the conservation of protected species or to provide suitable habitat enhancements to ensure a suitable uplift is provided.

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

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

Reasons for Refusal

1. The proposed dwelling, by being attached to the side elevation of 33 Brooke Street, would result in the loss of the sole window serving a habitable bedroom. This would lead to an unacceptable loss of natural light and outlook resulting in substandard living conditions for the occupants. No further plans have been received to indicate otherwise. The development proposed therefore fails to comply with Principle 6 of the Kirklees Housebuilders Design Guide, Policy LP24 b & c of the Kirklees Local Plan and Paragraph 135 of the National Planning Policy Framework.

2. The application is not supported by a Preliminary Ecological Appraisal and a suitable Biodiversity Net Gain Assessment. This information is required to establish the site's baseline ecological value, verify the applicant's claim regarding the timing of any site clearance and statutory exemptions, identify potential impacts on protected species and habitats, and demonstrate how the statutory minimum 10% measurable net gain for biodiversity would be achieved in accordance with the Environment Act 2021. In the absence of valid information, the proposal fails to comply with Policy LP30 of the Kirklees Local Plan and Paragraphs 193 & 195 of the NPPF.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	LP-01	-	23 October 2024
Existing block plan	PROJ28-00-DR-A-001	-	03 March 2026
Existing block plan	PROJ28-ZZ-DR-A-101	-	03 March 2026
Proposed block plan	PROJ28-00-DR-A-00	-	03 March 2026
Existing elevations	PROJ28-ZZ-DR-A-201	-	03 March 2026
Proposed elevations	PROJ28-ZZ-DR-A-202	-	03 March 2026
Proposed floor plans	PROJ28-ZZ-DR-A-102	-	03 March 2026

Plan Type	Reference	Version	Date Received
Proposed 3D images	PROJ28-ZZ-DR-A-501	-	03 March 2026
Proposed 3D images	PROJ28-ZZ-DR-A-502	-	03 March 2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Amended plans have been received, however they have not overcome the harm resulting from the proposal.