

**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:	2024/62/92647/W
Site Address:	Land at Occupation Lane, off Birkby Road, Huddersfield, HD2 2ES
Description:	Erection of detached dwelling with detached garage
Recommending Officer:	Katie Chew

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 26-NOV-2024

Officer Report

Site Description

Land at Occupation Lane, off Birkby Road, Huddersfield, HD2 2ES

The site relates to a narrow parcel of land to the north of Birkby Road, and the rear of residential properties of Prince's View and Harefield Park (to the west), as well as residential properties on Birchroyd Close (to the east). The plot of land narrowly tapers close to the highway with a bend and then gently widens towards the north.

The site comprises a private unsurfaced access land off Birkby Road (Prince's View) at the western side, which runs to the residential property of Wood View Farm, and a soft landscaped area to the eastern side. Along the eastern boundary there are significant leylandii of around 5.3m in height.

The site and surrounding land slopes downwards from south-west to north-east. The site is within an area characterised by residential development, mostly comprising of detached dwellings of significant width set within spacious plots, properties to the west are more tightly spaced together with varying gaps between dwellings. To the east and south, there are more generously proportioned properties in relation to their large plots with significantly larger gaps between dwellings.

The site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal:

The application seeks planning permission for the erection of detached dwelling with detached garage.

The proposed dwelling is to be single storey in height and will comprise of 3 double bedrooms with en-suite and wardrobe areas, W.C, cloakroom, utility, and open plan kitchen/dining/living area. A covered patio is also proposed to the north.

The proposals also seek to erect a detached double garage to the north of the dwelling. This garage is to measure approximately 6.5m x 6.5m, with a maximum height of 4.1m.

Residential amenity areas are proposed to the north and south of the dwelling. With parking shown within the double garage and to the front of the garage, equalling a total of 4 off-street parking spaces.

The dwelling is to have a footprint of approximately 241.92sqm, and a maximum height of 4.5m. Both the dwelling and garage are to be constructed from natural stone timber cladding with a green flat roof. Windows and doors are to comprise of aluminium framed double-glazed units.

History of negotiations/amendments received

Amendments were sought to revise the layout of the scheme as Officers considered it to be more visually acceptable to have the proposed dwelling fronting Birkby Road and garaging to the rear. Alterations were also sought to the submitted application forms to ensure that the proposals related to a self-build, bin presentation points shown on plan, 1m high walls adjacent to the proposed garage and provision of a timber privacy screen to the rear covered patio area in the interests of residential amenity.

Relevant Planning History

2024/90461 – Erection of detached dwelling with detached garage. Refused 2nd May 2024. This application was refused as:

'1. The proposed development, by virtue of its siting on a constrained site of limited width and its contrived and incongruous layout and design, would fail to sympathetically relate to existing development within the locality and would appear as a visual intrusion within this location, detrimental to the visual amenities and overall character and appearance of the area. The proposal would fail to reinforce or enhance local distinctiveness. The proposal is therefore considered contrary to Policy LP24a of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. The proposed dwelling, by virtue of the close proximity of the proposed rear glazed section to the private rear amenity space of no. 3 Birchroyd Close, would cause undue harm in terms of loss of privacy and overlooking thereby harming the living conditions of the occupants of that property. Therefore, the proposal would fail to provide a high standard of amenity for occupants of both the existing and proposed dwellings, contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework'.

2020/94292 – Erection of detached dwelling. Refused 12th March 2021.

2002/93523 – Erection of detached dwelling. Approved 16th January 2003.

2001/92801 – Erection of 2 detached dwellings and detached garages. Approved 18th October 2001.

2001/91361 – Erection of two detached dwellings with detached garages. Refused 23rd August 2001.

Representations

Final publicity date expires:

First Round of consultation - Neighbour Letters – Expired 29th October 2024.

1 supporting comment has been received; this is summarised below.

- The land is currently untidy and not utilised for any positive value, the building will make good use of the land.
- The single storey design overcomes the potentially valid objections raised against previous applications overlooking other properties.

3 representations have been received in objection; comments are summarised below.

- 2 previous planning applications for a similar building were turned down recently.

Officer note: Noted.

- The proposed building and the plot size is out of character to the properties and dwellings of the surrounding area.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- The proposed building is to be constructed on a narrow piece of land which will result in the building being located very closely to neighbouring properties, thus affecting privacy.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

2nd round of consultation – Neighbour Letters Expired – 6th November 2024.

12 objections have been received; however, it is noted that some of these comments are from the same objectors and therefore there are just 5 new comments received; comments are summarised below.

- Concerns in respect of privacy.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- Due to the restricted size of the plot, it is inappropriate for this size of residential development. Resulting in overdevelopment of the site.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- The proposed house will not fit in with the surrounding area.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- Concerns in respect of the proposed dwelling appearing overbearing on neighbouring properties.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- Application 2024/90461 sought permission for a detached dwelling with a detached garage on the same site and was refused by the Council on the 2nd May 2024. The first reason for refusal is even more applicable now.

Officer note: Noted.

- The road to access the land is extremely narrow.

Officer note: Noted. The Council's Highways team have been consulted on the proposals, their comments can be found under the consultation responses and highway safety sections of this report.

- The dwellings siting close to the Birkby Road frontage means that it will stand out in marked and unacceptable contrast from its neighbours.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- The submitted climate change statement is weak and doesn't hold any value referencing, consideration will be given. This indicates a lack of commitment to any of the considerations ever coming to fruition.

Officer note: Noted. This is discussed in more detail within the Climate Change section of this report.

- Concerns that the proposals will displace habitat currently occupying the land.

Officer note: Noted. This is discussed in more detail within the biodiversity section of this report.

- No site notice has been displayed near the site on any telegraph or lamppost, which means interested parties in the locality, who may wish to comment, will be unaware of these.

Officer note: Noted. 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, details of which are outlined within the representations section of this report.

- The proposals would prejudice the potential future expansions of neighbouring properties.

Officer note: Noted.

- The Tree Survey prepared by JCA Ltd shows T3 as being within the garden of no. 3 Birchroyd Close this is incorrect, it is in the garden of no. 1 Birchroyd Close.

Officer note: Noted. This has been raised with the Council's Tree Officer who raised no concerns over the location of this tree within no. 1 Birchroyd Close and its relationship with the proposed new dwelling. A revised tree location would actually result in a better relationship with the proposed dwelling than if it was located within no. 3's amenity space.

- Rather than a 2 – storey house in appropriate materials and design, what is now proposed is a single- storey, timber clad building in marked contrast to neighbouring properties on the north side of Birkby Road.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- Compliance with The Equality Act 2010 requires public authorities to consider the needs of individuals with disabilities and ensure they are not disproportionately affected, in this instance by noise, dust and fumes during construction.

Officer note: Noted. Unfortunately, this would fall outside the remit of planning however, impacts arising from construction works is discussed within the residential amenity section of this report.

- The close proximity of the proposals to the eastern boundary risks damaging or killing the hedges and trees that currently provide essential privacy between properties.

Officer note: Noted. The Council's Trees Officer has been consulted on the proposals, their comments can be found under the consultation responses and Trees section of this report.

- Construction activities will introduce pollution, noise and hazardous materials into the area, impacting the local ecosystem and increasing the carbon footprint. Additionally, the proximity of the construction to neighbouring properties could expose occupiers to dust, fumes and create potential health risks.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- All the ensembles are located along the rear boundary are to have frosted glass.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- The future occupiers of the bungalow will have limited amenity space.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- The proposals lack traditional building materials and do not maintain building line consistency.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- The application incorrectly depicts the driveway to Wood View Farm as being within the applicant's land, this is the only entry to Wood View Farm and the development will obstruct this essential access.

Officer note: Noted. The applicant has completed Certificate D within the submitted application forms, and has served notice via the local newspaper the 'Huddersfield Examiner' on the 14th September 2024. This is considered to be acceptable.

- Increased impermeable surfaces such as roofs and driveways will worsen drainage issues, increasing surface run off and flood risks. Altered water flow patterns could also increase surface run off and flood risks, affecting neighbouring properties and wildlife (including newts).

Officer note: Noted. Given the small scale and nature of the proposals it is not considered likely that the scheme would significantly increase surface run off/flood risks, or alter water flow patterns on this occasion.

- Earlier applications referred to "Land at Occupation Road, Off Birkby Road". This is very misleading as a different address has been used, and therefore does not allow any interested person to understand the history of the site.

Officer note: Noted.

- A development to build 5 houses on Birkby Road, was refused in 2018, due to the density of the building on the plots and the cramped nature of the development at odds with the character of the area, and this is a similar proposal.

Officer note: Noted. However, each application is assessed on its own merits and therefore this holds little weight in the assessment of this application.

- The proposal does not provide measures to protect habitats or mitigate environmental impact.

Officer note: Noted. As discussed within the biodiversity section of this report, should planning permission be granted the applicant will be required to provide 1 bat box within the dwellinghouse in the interest of biodiversity net gain.

- Plans to remove a traditional dry-stone wall undermine the areas unique character.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- The lack of space for scaffolding, machinery and vehicle movement will likely cause damage to boundary features, such as dry-stone walls and may lead to further trespass onto neighbouring properties.

Officer note: Noted. Unfortunately, this would be a civil matter that would fall outside the remit of this planning application. Discussions will need to take place with the applicant/landowner in respect of these concerns.

- Light from windows within the eastern elevation of the proposed dwelling will shine light into adjacent neighbouring properties gardens.

Officer note: Noted. However, Officers consider that light arising from the proposed dwelling would be of a minimal nature to not raise concerns in respect of light pollution. In addition, these windows are to be obscurely glazed and would be screened by existing boundary treatments.

- The proposed siting of both the bungalow and garage close to property boundaries leaves inadequate space for essential construction equipment and activities.

Officer note: Noted. Unfortunately, this would be a civil matter that would fall outside the remit of this planning application. Discussions will need to take place with the applicant/landowner in respect of these concerns.

- 3 toilets are proposed along the eastern part of the dwelling. Neighbouring properties will be able to hear the flushing and water draining when sitting in their gardens.

Officer note: Noted. However, this is not considered to result in significant or detrimental impacts in respect of noise or disturbance given the residential nature and scale of the scheme.

- Some unauthorised tree removal has already occurred at the site, disregarding local regulations. This alteration reduces privacy and ecological balance in an already built-up area.

Officer note: Noted.

- This development could potentially overwhelm existing drainage systems, particularly during heavy rainfall and could alter natural water flow patterns, affecting neighbouring properties and habitats.

Officer note: Noted. Given the scale and nature of the proposals it is not considered likely that the scheme would overwhelm the existing drainage systems/water flow patterns on this occasion.

- T3 is shown at Appendix 1 of the JCA Ltd's Report as being a Norway Maple in good condition and in an early mature state. There is therefore no reason to doubt that it will grow taller, wider and with a greater root spread than currently exists.

Officer note: Noted. The Council's Tree Officer has been consulted on the proposals, their comments can be viewed within the consultation responses and trees section of this report.

- The Council's Tree Officer under refused application 2020/94292 commented that trees had already been felled on the site prior to the submission at that this appeared to be "an attempt to avoid the constraints these trees may have presented, and that it is expected that replacement trees be planted, at least for those trees along the road frontage which added to the character of the area". There is no indication of any replacement trees in this application, and certainly none on the border with Birkby Road.

Officer note: Noted. Submitted plan drawing no. 24.002/(AL)01 Rev B outlines what landscaping is proposed and how this will be established and maintained.

- Concerns over the proposals impacts on the health of existing trees and hedges.

Officer note: Noted. The Council's Tree Officer has been consulted, their comments can be seen within the consultation responses and tree section of this report.

- 2 no parking spaces proposed at the front of the doubled garage do not appear to have adequate space for manoeuvring the cars onto the new access road.

Officer note: Noted. The Council's Highways Officers have been consulted on this revised garage location and raise no concerns in respect of the access into/out of this garage.

- A blank double garage wall directly against neighbouring site boundaries will provide an oppressive view despite it being a flat roof massing.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- The hedges belong to all of the Birchroyd Close residents, and should they perish, then the proposed large bulk of building walls would be visually unsightly and cause the loss of views which would be oppressive.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- The existing tree located in the rear garden of no. 5 Birchroyd Close is closer to the site boundary and hedge than indicated on the submitted plan. In addition, the spread of the existing tree is also much wider and the tree branches go across the boundary. The proposed garage location will affect the tree roots and its growth/survival.

Officer note: Noted. The Council's tree's officer has been consulted on the proposals, their comments can be found under the consultation responses and tree sections of this report.

- New planting should be provided but this would affect the size of the proposal and will also take time to mature.

Officer note: Noted. Submitted plan drawing no. 24.002/(AL)01 Rev B outlines what landscaping is proposed and how this will be established and maintained.

- Drainage/construction works/traffic may affect the roots of existing Tree Preservation Orders.

Officer note: Noted. The Council's tree Officer has been consulted on the application, their comments can be found under the consultee responses and tree sections of this report.

- The existing track road will need to be resurfaced to an adoptable standard and this therefore may cause harm to the TPO roots.

Officer note: Noted. However, Highway Officers have not requested that the road be brought up to an adopted standard in this instance.

- No additional landscaping is proposed.

Officer note: Noted. However, submitted plan drawing no. 24.002/(AL)01 Rev B outlines what landscaping is proposed and how this will be established and maintained.

- The length of the access road has been extended, in the past it has been mentioned that the land beyond appeared to be for another future plot, this approach is another ploy to distract the planner's attention.

Officer note: Noted. However, no additional applications have been submitted and nevertheless, each application is based on its own merits. Should a future application be submitted to the Local Planning Authority, this would be assessed as such at that time.

- Planning ref 2021/92301 was granted approval at no. 5 Birchroyd Close on the 12th January 2022 for erection of one dwelling, demolition of existing dwelling and associated works. Although not yet implemented the decision is still active therefore the proposal should respect this live permission.

Officer note: Noted. The above application is taken into consideration within the residential amenity section of this report.

Officer note: 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, details of which are outlined above.

Consultation Responses

KC Highways Development Management – Comments received 29th October 2024. No objections subject to conditions and informatives relating to surfacing and drainage, waste storage and collection and works within the highway.

Officer note: Informal consultation was also undertaken on the 13th November 2024 in respect of the revised layout. Highways Officers confirmed that they had no objections to the revised scheme.

KC Trees – Comments received 26th September 2024. No objections.

Officer note: Further comments were received in respect of the proposed widening of the site entrance and revised location of T3. Officers noted that a condition should be imposed which requires the submission of an Arboricultural Method Statement which shows that hand dig techniques will be used when widening the site entrance. In addition, if T3 is located within the garden of no. 1 Birchroyd Close rather than no. 3 (as outlined within the submitted Arboricultural Report) this does not appear to impact on the trees RPA and would have a better relationship with the proposed dwelling in this location.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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 application site is partially located within a Bat Alert Area. It is also important to note that there are protected trees (by TPO) located within the garden of no. 1 Prince's View which is located directly adjacent to the access into the site.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP30 – Biodiversity and Geodiversity**
- **LP33 – Trees**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2023, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 - Decision-making
- 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 and beautiful places
- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Kirklees Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

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

1 – Principle of Development

1.1 – Sustainable Development

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 Chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “*good design should be at the core of all proposals in the district*”.

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

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of

sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Housing Delivery/Density

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

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 Officer’s assessment.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

As the site measures just 1440sqm, it has a potential density of 5 dwellings. However, as the application site is narrow and long with an unadopted road, it is considered that a higher density would lead to issues in relation to parking / amenity space provision and in this case the density of the development is considered to be suitable.

The approval of residential development at the site on 16th January 2003 (2002/93523) is acknowledged. This constitutes a material consideration in

the assessment of this proposal. However, as this permission has lapsed, and this decision was made a considerable period of time ago (over 21 years) the weight which can be ascribed to this previous permission is limited.

Further to this, it is considered that the 2003 permission was granted under a different policy context, for instance the Kirklees Local Plan was adopted in 2019 and the NPPF was first published in 2012 (and has subsequently been revised). Both Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF stress the importance of good design. Of note, Policy LP24a outlines that to promote good design, the form, scale and layout and detail of development should respect and enhance the character of the townscape.

Importantly, the Government has recently placed further emphasis on high quality design. Paragraph 131 of the NPPF stresses that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental”* to what the planning development process should achieve. Paragraph 138 of the NPPF also sets out guidance for Local Planning Authorities in relation to the design of development to make use of the National Design Guide (2019) and Kirklees Council Housebuilders Design Guide (2021). It is worth noting that the previously approved development is not considered to constitute good design. In addition to the above, Chapter 12 of the NPPF and Policy LP24c highlight the importance of protecting residential amenity, including that of future occupiers. As such, Officers have regard for the current policy background and continue to assess every application on its own merits.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 – 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...”

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

Paragraph 134 of the NPPF 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 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Principle 13 of the Housebuilders Design Guide seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Principle 14 of the Housebuilders Design Guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

Principle 15 of the Housebuilders Design Guide 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.

In terms of the location of the proposed dwelling and detached garage, the proposals originally sought to locate the dwelling further into the site (to the north), with the detached garage to front the site on Birkby Road. Officers requested that the location be revised to provide the garage to the rear of the site, in line with Principle 12 of the above SPD, and to ensure that there was an active frontage out on to Birkby Road. By having the proposed dwelling in this location, it also provides the ability to align with the existing building line which is formed between dwellings on Prince's View and Birchroyd Close. Taking the above into account, Officers consider its revised location to be acceptable and in accordance with Principle 5 of the above SPD.

Looking at the proposed material palette, the dwelling and detached garage are to be constructed utilising a mix of natural stone and timber cladding, with a green flat roof. Windows and doors are to be aluminium. The use of natural stone is welcomed, and whilst the timber cladding can be seen as a somewhat modern addition, the use of cladding can be found throughout Birkby Road and therefore is not an entirely alien material. However, it is considered reasonable to condition the submission of samples of such materials prior to their use, in the interests of visual amenity.

Following on from the above, it is proposed that the existing dry-stone wall to the front and along the western boundary of the site is to be removed and replaced with a new 900mm high stone boundary wall. Given the prominent location of the site it is considered reasonable to include a condition, should planning permission be granted, which requires the materials of the existing wall to be recycled and re-used within the new stone boundary wall as far as possible, and that should any additional stone be required it shall in all respects match those used in the construction of the existing boundary wall. This is in the interests of visual amenity.

The proposed green flat roof design allows a reduction in the overall bulk and massing of the dwelling and is considered to be reflective of other flat roof dwellings within the area. Moving on to the proposed windows and doors, these are to comprise of large panels of rectangular and square glazing throughout.

Whilst it is acknowledged that the proposed dwelling does differ in scale and design when viewed against immediately adjacent neighbouring properties (to the west and east), and that given the restricted nature of the site, the layout is somewhat contrived. Officers do note that dwellings located on Birkby Road all vary significantly in scale, size and appearance, with a mix of materials, roof types, window designs etc. used throughout. The more contemporary feel of the proposed dwelling is considered to be more appropriate in this location must to be viewed as a standalone development.

Given the above, the proposals are considered to accord with Principles 13, 14 and 15 of the above SPD.

Furthermore, Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'*.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary. In this instance a 2m + separation

distance can be provided on all elevations to the shared boundary except for to the eastern boundary where there would be a separation distance of around 1m. Whilst this is acknowledged, the proposed dwelling is to be single storey in height, set between two storey properties, and given the restricted nature of the site Officers consider the proposed separation distance to be acceptable on this occasion. The proposals are therefore considered to meet with the requirements of Principle 6 of the above SPD.

In conclusion, and subject to conditions, the proposed dwelling is considered to be of an acceptable size, scale and design in this location. On this basis, the proposals are deemed to accord with the requirements of Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD.

3 – 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.”

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

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 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.

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.

Impact on nos. 1, 3 & 5 Birchroyd Close

These neighbouring properties are located to the east of the application site. No. 1 Birchroyd Close is approximately 15.9m away from the proposed dwelling, no. 3 is approximately 11.6m away from the proposed dwelling, and no. 5 is approximately 14m away from the proposed detached garage.

In terms of overlooking, whilst it is acknowledged that large windows are proposed within the eastern elevation of the dwelling which would face towards these neighbouring properties, these windows relate to non-habitable room windows such as en-suites, WC and utility room and are all shown to be obscurely glazed. In the event that planning permission is approved, it is recommended that this be secured via a condition. In addition to this, it is noted that there is a high timber fence which borders the eastern side of the application site, and that this would screen some of the dwelling and proposed glazing, alongside the mature planting which resides within these neighbouring properties gardens. In addition, a timber privacy screen is also shown along the eastern boundary of the covered patio. Therefore, Officers have no concerns in respect of overlooking or the loss of privacy in this instance.

In terms of the proposals resulting in overshadowing or appearing overbearing in nature, the proposed dwelling is to be single storey in height with a flat roof design. This is considered to limit the overall bulk and massing at the site, and when viewed in the context of the adjacent 2 storey properties, Officers do not consider the proposals to appear overbearing or overly dominant in this location. Furthermore, whilst the dwelling will result in some additional overshadowing this would occur in the late afternoon/evening and would not be for a prolonged period of the day. Any overshadowing is not considered to significantly detract from any of the outdoor amenity space belonging to these neighbouring properties and would not impact on any habitable room windows. In addition to this, the mature planting which currently resides along the eastern boundary is likely to already overshadow these spaces and is to be more significant than what would be produced by the proposed dwelling.

Looking at the detached garage, again this is to be single storey in height with a flat roof design, the building is to be small in scale and size. As outlined above, this building is to be partially screened by existing boundary treatments and is not considered to result in significant overshadowing. No windows are proposed within the eastern elevation and therefore there are also no concerns in respect of overlooking, or the loss of privacy in this instance.

Officer note: Officers note that planning permission has previously been granted at no. 5 (app ref: 2021/92301) for the demolition of the existing dwelling and erection of replacement dwelling which is to be sufficiently larger. Works have not yet commenced at site, but the applicant does have until the 12th January 2025 to commence works otherwise the permission will expire. It is therefore important to note that the proposed dwelling under 2021/92301 will result in a closer relationship with the proposed detached garage. However, Officers assessment of this relationship would remain the same given the existing boundary treatments and the small scale and size of the proposed garage.

Impact on nos. 1, 2 & 3 Prince's View

These neighbouring properties are located to the west of the application site, between 12-15m away from the proposed dwelling. No. 3 Prince's View is located adjacent to the proposed garage, approximately 16.7m away.

As the proposed dwelling and detached garage are to be single storey in height with flat roof designs, Officers do not consider these buildings to appear overbearing or overly dominant on these adjacent 2 storey properties. In addition, due to the sloped topography of the area, nos. 1, 2 & 3 are set at a slightly higher ground level than the application site.

In terms of overlooking, whilst Officers note that windows are proposed within the western elevation of the dwelling, given the separation distances, coupled with the high stone boundary wall which bounds properties to the rear on Princes View, Officers do not consider there to be any concerns with overlooking or the loss of privacy. The proposed dwelling is to be single storey in height and therefore any direct views at ground floor level would be screened by this boundary treatment. In addition, any views from the first-floor level of these neighbouring properties would be obscure.

Finally, whilst some overshadowing will arise from the proposed buildings, this will be in the morning/early afternoon and would not be for a prolonged period of the day. The majority of the shadowing will fall along the access route into the site and on rear amenity spaces of these adjacent neighbouring properties. However, given the boundary treatments that bound the site to the west, Officers do not consider any shadowing arising from the proposals to result in shadowing over and above what already exists on these rear amenity spaces.

Impact on Wood View Farm

This neighbouring property is located to the north of the application site, approximately 44m away from the proposed detached garage. Given the large separation distances Officers have no concerns in respect of overshadowing, overlooking, or the proposals appearing overbearing in nature.

In terms of access to the site, Officers acknowledge that access will need to be gained via the existing road which leads to Wood View Farm. The legalities of using this access for the proposed development would fall outside the remit of this planning application and will need to be investigated by the applicant to ensure that appropriate access can be gained into the site.

Impact on no. 259 Birkby Road

This neighbouring property is located to the south of the application site, approximately 34m away. Given the large separation distances, southern orientation and that the proposed dwelling is to be single storey in height, Officers have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature.

Amenity of future occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimal space standards set out in the Nationally Described Space Standards (NDSS) for the provision of 3 double bedrooms within a single storey property. All habitable rooms will also have access to at least 1 window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers.

Finally, in terms of amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character/context of the site is provided. In this instance the garden/amenity space to be provided to both the north and south of the dwelling is considered to be of an acceptable size given the scale and massing of the dwelling proposed. These amenity spaces will also receive sunlight throughout the day and will provide private areas to the rear, therefore it is considered that the proposed amenity space would meet the requirement of Principle 17 of the above SPD.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

In respect to potential impact arising from noise, it is considered reasonable to attach an informative should planning permission be granted, which restricts the hours of operation of the site. This is considered to be sufficient to mitigate any concerns relating to noise. Officers acknowledge representations received which raised concerns relating to dust during construction works however, given the scale of the proposals, it is not considered reasonable or necessary to further restrict construction works at the site. However, it is noted that should concerns arise during construction works (if planning permission is granted), this should be raised to the Council's Environmental Health team who have their own legislation on dealing with such matters.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and

LP52 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

4 – Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. In this instance parking is to be provided within, and to the front of, the detached garage located to the rear of the site. Officers therefore consider the proposals to accord with Principle 12 of the above SPD.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. In this instance, a bin store is shown on the submitted plans along the western boundary of the dwelling. This location is deemed to be acceptable. A yellow hatched area is also shown on drawing no. 24.002/(AL)01 Rev B towards the entrance of the access road, which is to act as a bin collection point for both the proposed dwelling and Wood View Farm. It is considered that there is sufficient space to the front of the site to present bins on collection day, and it is considered reasonable to assume that the occupiers of Wood View Farm will already have a similar arrangement. The proposals are therefore considered to accord with Principle 19 of the above SPD.

This application seeks approval for the erection of a 3 bedroomed detached bungalow with detached double garage at land at Occupation Lane, off Birkby Road in Huddersfield. Given the nature of the proposals, the Council's Highways team were consulted. They note that the proposals show the access onto Birkby Road widened to 4.5m with sight lines of 2.4 x 43m. A detached double garage is shown with further off-street parking provided; Highways Officers therefore have no objection to these proposals subject to conditions and informatives relating to surfacing and drainage, waste storage and collection and works within the highway.

Officer note: Whilst Highway Officers have requested the imposition of a condition in respect of waste storage and collection, as amended plans have been received which outline the arrangements discussed above it is not considered reasonable or necessary to include this condition on this occasion.

It is also noted that informal consultation was undertaken with Highways Officers following receipt of amended plans which show a revised site layout. Highway Officers raised no concerns with this arrangement, and it was noted that there appears to be sufficient manoeuvring space for the detached garage and parking area, sufficient off-street parking spaces are provided and that subject to the walls adjacent to the garage being no larger than 1m in height, they would have no concerns with the amended scheme.

Taking the above into consideration, it is therefore considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other Matters

Biodiversity and Trees

Paragraphs 185, 186, 187 and 188 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. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

The application site is partially located within a Bat Alert Area; however, it is considered that the proposals are relatively modest and therefore it is considered unlikely that the proposals would have a significant impact on the bat population. Nonetheless, should permission be granted it is considered that the provision of 1 bat box could be conditioned to enhance biodiversity at the site, and a bat informative provided to any permission.

A third party also raised the possibility of newts nearby which could be affected. Council records of Great Crested Newt populations place the closest to be 3400m distance southeast. Otherwise access to Calderdale Council records are not available, and indeed, there are other protected species of newts including smooth and palmate which are not on Council record. Officers consider that should permission be supported, an informative relating to newts advising the developer they are a protected species be included which draws their attention to their obligations in law should they be encountered. Subject to the informative note the proposal is considered acceptable in this regard.

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 2nd April 2024 (for minor and other applications) is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted

and approved by the local planning authority prior to commencement of the development.

Within the submitted application form the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) conditions as the proposal relates to a self-build/custom build development.

Given the above, Officers consider the proposals to meet all of the following conditions and therefore is exempt from BNG conditions in this instance.

The development does not consist of 9 or more dwellings, it is on a site which has an area no larger than 0.5 hectares and will consist exclusively of dwellings that are self-build or customer housebuilding.

Local Plan Policy LP33 relates to trees, within this policy it states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Whilst Officers acknowledge that some trees within the site have previously been felled, these trees were not protected and therefore permission was not required from the Local Planning Authority for these works. Nevertheless, this is unfortunate as they were considered to be of amenity value. Within the submitted plan 'Site Plan as Proposed' a commentary is provided on the initial establishment and maintenance of planted areas. Given the nature of the proposals the Council's Trees Officer was consulted, they have raised no concerns in respect of the above proposed planting and note that there are no protected trees within the site, but TPO 31/92 protects several trees adjacent to the site entrance. On the whole the Council's Tree Officer has no objection to the development as the existing hardstanding at the entrance will sufficiently protect the TPO'd tree's root protection areas (RPA's) and no other trees should be affected within the site. However, it is noted that the site access is to be widened, and therefore an Arboricultural Method Statement (AMS) should be provided prior to these works commencing. The AMS should evidence how these works will be undertaken, utilising hand dig techniques within the RPA's of the protected trees. The Council's Trees Officer does consider that this would be possible if sensitivity is used as the trees are sat slightly above ground behind the existing retaining wall.

Drainage

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

The site is within a low probability Flood Risk Zone and therefore if Officers are so minded to approve the application, a condition would be placed to ensure that the additional parking spaces would be drained sufficiently and/or

made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.

Climate Change

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

The application is supported by a Climate Change Statement, this statement outlines that construction materials will be sourced locally wherever possible, with renewable/low carbon energy sources such as air source heat pumps being utilised. The dwelling is to be highly insulated beyond the minimum standards as set out in the Building Regulations, with low energy lighting and electrical installations utilised where possible. Furthermore, the proposed dwelling faces south with generous areas of glazing to the walls and roof which will allow of internal spaces to benefit from increased natural light and solar gain. Officers also note that as a minimum the proposed dwelling would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building.

Given the above, it is therefore not considered reasonable to expect any additional information to be submitted in respect of meeting the Council's Climate Change Agenda.

Previous Site History

Whilst taking the above into account, it is also important to consider previous planning history at the site. Application 2024/90461 for the erection of a detached dwelling with detached garage was refused on the 2nd May 2024. This application was refused as:

'1. The proposed development, by virtue of its siting on a constrained site of limited width and its contrived and incongruous layout and design, would fail to sympathetically relate to existing development within the locality and would appear as a visual intrusion within this location, detrimental to the visual amenities and overall character and appearance of the area. The proposal would fail to reinforce or enhance local distinctiveness. The proposal is therefore considered contrary to Policy LP24a of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. The proposed dwelling, by virtue of the close proximity of the proposed rear glazed section to the private rear amenity space of no. 3 Birchroyd Close, would cause undue harm in terms of loss of privacy and overlooking thereby harming the living conditions of the occupants of that property. Therefore, the proposal would fail to provide a high standard of amenity for occupants of both the existing and proposed dwellings, contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework'.

Looking at the first reason for refusal, Officers raised concerns in respect of the layout and design of the proposed development, noting that it would appear as a visual intrusion within this location. Since this refusal, amended plans have been provided which now show a fully single storey building with a flat roof design, which reduces some of the overall bulk and massing from the property. Furthermore, the dwelling has a more contemporary design which Officers consider contributes towards the principle of this being a standalone development rather than trying to 'fit in' with properties located directly adjacent to it.

The site is not considered to be comparative to these properties given its restricted nature and layout, and therefore it is considered reasonable that since the previous submission the now more modern appearance of the development allows the property to adopt this irregular/unconventional site and utilise it as a design concept of which Officers consider to be acceptable. By being single storey, this also assists to avoid the property competing with other dwellings in terms of dominance. Furthermore, the Council also no longer have 5 year housing land supply and therefore Officers are applying the 'tilted balance'.

In terms of the second reason for refusal, this related to overlooking from the ground floor living room and first-floor bedroom (in the northern elevation) into the rear amenity space of no. 3 Birchroyd Close, and on some of the openings within this dwelling. Since this refusal, the proposals have sought to reduce the overall scale of the dwelling from 2-storey to single storey in height. This has removed the concerns in respect of overlooking from the first floor entirely. In terms of concerns of overlooking at ground floor level whilst large panels of glazing are proposed within the northern elevation at ground floor level, given the revised layout of the dwelling and detached garage, any views arising from the living room on the ground floor would now simply look over the rear garden area and towards the proposed detached garage, and not towards no. 3. Whilst it is acknowledged that glazed doors are shown within the eastern elevation of the dwelling adjacent to the outdoor seating area, a timber privacy screen has now been provided to ensure some further buffering between the properties. Officers therefore now have no concerns of overlooking in this respect.

Notwithstanding the above, it is considered reasonable and necessary to remove permitted development rights on this occasion for Classes A (extensions), AA (additional storeys), B (additions to the roof e.g. dormer windows), C (any other additions to the roof e.g. rooflights) and E (buildings

incidental to the dwellinghouse) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended. This is to ensure that no large or overly dominant extensions or outbuildings which would have an adverse or harmful impact on the character and appearance of the area, create residential amenity issues to adjacent neighbouring properties, or would result in overdevelopment of the site can be undertaken without first being assessed by the Local Planning Authority. This is more so required in this instance due to the level of discussions that have taken place within this, and previous applications at the site in respect of scale, design and layout of the development.

Taking the above into consideration, subject to conditions, the submitted scheme is considered to overcome previous Officer concerns and is therefore deemed to be acceptable.

6 - 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation: Delegated Decision

Application Number: 2024/92647

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11,

LP21, LP22, LP24, LP28, LP30, LP33, LP51 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

3. Prior to the development being brought into use, the approved vehicle parking areas shall 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; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework.

4. The windows within the eastern elevation of the hereby approved dwelling shall be fitted with obscure glazing minimum grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the windows shall thereafter be so retained obscurely glazed.

Reason: To protect the amenity of neighbouring properties, in accordance with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

5. Notwithstanding the approved plans and information, 1 bat box in the form of the Schwegler type 1FQ or similar shall installed to the hereby approved dwelling, during the period of construction on the eastern elevation at least 3.8m metres above ground level and not directly above any doors or windows. The development shall not be brought into use until the bat box has been installed which shall be retained thereafter.

Reason: To enhance opportunities for biodiversity at the site and to accord with policy set out in Chapter 15 of the National Planning Policy Framework, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

6. No development above foundation levels shall take place until all samples of the proposed external walling stone have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved.

Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP24 of the Kirklees Local Plan, Principles 2 and 13 of the

Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

7. The 900mm high stone boundary wall as shown on the approved plan no. 24.002/(AL)01 Rev B 'Site Plan as Proposed', shall use reclaimed natural stone from the existing boundary wall, which is to be demolished, where possible. If additional materials are required, the materials shall be of natural stone which in all respects match those used in the construction of the existing dry stone boundary wall.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 13 of the Housebuilders Design Guide SPD.

8. Boundary walls located to the front of the hereby approved detached garage shall not exceed 1m in height.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Chapter 9 of the National Planning Policy Framework and LP21 of the Kirklees Local Plan.

9. Prior to development commencing, an Arboricultural Method Statement with Tree Protection Plan in accordance with British BS5837 shall be submitted to, and approved in writing by, the Local Planning Authority. The Method Statement shall include details of how the widening of the site entrance will be undertaken with minimal damage to the protected trees and their roots.

Reason: This pre-commencement condition is necessary to ensure that all measures are agreed at an appropriate stage of the development so as to protect the visibility of mature protected trees located adjacent to the application site and to accord with Policies LP24(i) and LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. The dwelling shall not be occupied until sightlines of 2.4m x 43m along the site frontage shown on the approved plan no. 24.002/(AL)01 Rev B 'Site Plan as Proposed', have been provided, these shall be retained, unobstructed, for the lifetime of the development.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Chapter 9 of the National Planning Policy Framework and LP21 of the Kirklees Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the detached garage hereby permitted shall not be converted into additional residential accommodation without the prior written approval of the Local Planning Authority.

Reason: This is to ensure that suitable off-street parking is provided for the dwellinghouse and to avoid the need for on-street parking in the interests of highway safety, to accord with Policy LP22 of the Kirklees

Local Plan, Chapter 9 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

12. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, or E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on hereby approved 24.002/(AL)01 Rev B 'Site Plan as Proposed', received 15th November 2024 without the prior written consent of the Local Planning Authority.

Reason: To avoid any future detrimental impacts arising on both residential and visual amenity. This would be in accordance with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 6 and 15 of the Housebuilders Design Guide SPD.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: No construction related noise should be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: All Great Crested Newts and their habitat, are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence to A) Kill, injure or

take a Great Crested Newt. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a Great Crested Newt. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any Great Crested Newts or evidence of Great Crested Newts be found at site. All contractors on site should be made aware of this requirement.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally 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 found, then contact Natural England.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Site Plan as Existing	24.002/(EX)01	-	16 th September 2024
Site Plan as Proposed	24.002/(AL)01	B	15 th November 2024
Bungalow Floor Plan and Elevations as Proposed	24.002/(AL)02	B	15 th November 2024
Garage Floor Plan and Elevations as Proposed	24.002/(AL)03	B	20 th November 2024
Climate Change Statement – Supporting Information	24-002/ Climate Change Statement	-	16 th September 2024
Arboricultural Report – Supporting Information	21563/AJB	-	16 th September 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to revise the layout of the scheme as Officers considered it to be more visually acceptable to have the proposed dwelling fronting Birkby Road and garaging to the rear. Alterations were also sought to the submitted application forms to ensure that the proposals related to a self-build, bin presentation points shown on plan, 1m high walls adjacent to the proposed garage and provision

of a timber privacy screen to the rear covered patio area in the interests of residential amenity.

Report Dated:

26th November 2024.