

**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:	2024/60/92768/W
Site Address:	land rear of, 23, Dalton Fold Road, Dalton, Huddersfield, HD5 9NL
Description:	Outline application for one detached single storey annex dwelling at, land to rear of 23 Dalton Fold Road, Dalton, Huddersfield, HD5 9NL
Recommending Officer:	Lucy Taylor

DECISION – CONDITIONAL OUTLINE 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.

John Holmes

AUTHORISED OFFICER

Date: 30-Jan-2025

Officer Report.

Reference: 2024/92768

Location: Land rear of, 23, Dalton Fold Road, Dalton, Huddersfield, HD5 9NL

Proposal: Outline application for one detached single storey annex dwelling at, land to rear of 23 Dalton Fold Road, Dalton, Huddersfield, HD5 9NL

Site Description.

The site is located to the rear of 23 Dalton Fold Road, formerly used as a large garden / allotment with walkways and perimeter fence / tall boundary walls. Vehicle access to the site is through an existing vehicular track from Dalton Fold Road.

Description of Proposal.

The application seeks outline planning permission for one detached single storey annex dwelling at, land to rear of 23 Dalton Fold Road, Dalton, Huddersfield, HD5 9NL.

The proposed development would be used in connection with no.23.

The application seeks approval for access and layout, with all other matters to be dealt with at reserved matters application stage (appearance, landscaping and scale).

The submitted proposed plans show a detached single storey building, with two bedrooms internally. The submitted proposed block plan shows the provision of garden amenity space and off-street parking to serve both the new dwelling and No. 23 Dalton Fold.

History of Negotiations / Amendments Received.

During the course of the application, the scheme was amended to show a single storey ancillary building, rather than the originally proposed two-storey dwelling.

As a result of these amendments, the description of proposal was amended accordingly, and the application was re-advertised.

Relevant Planning History.

No relevant planning history at the application site or neighbouring it.

Representations.

Final publicity date expired 26th December 2024.

In response to publicity, 7 objections were received, which raised the following concerns:

Visual Amenity:

- The development would profoundly change the character and appearance of the location.

Residential Amenity:

- Land at present is an allotment, allowing clear views and natural light. However, the development of a dwelling on this land would undoubtedly obstruct current clear views and block out natural light.
- The proposed dwelling on this land would infringe on privacy.

Highway Safety:

- Already an acute problem of parking during school times.
- The access lane was designed in the 1800s and is designed for the properties already here and not for further properties.
- Vehicles for the proposed building would further degrade the access track.

Construction Phases:

- Disruption and concerns for the maintenance of the land. If building going to use ginnel, this will cause stress to the ground with constant flow. Concerned about the ground works. If there's any damage, who will maintain this? Some neighbours have only this access, how will they be able to get out?
- Building is up an unadopted lane where the ground is soil covering pipework's etc. It is not suitable for wagons etc. or wide enough. Would make access to neighbouring homes difficult and unsafe. No heavy or wide traffic uses this lane. Would make safe walking difficult.
- The unadopted right of way, is narrow and is used by both vehicles and pedestrians and is unsuitable for heavy goods vehicles.
- There is potential for this right of way to be blocked by the construction workers and their vehicles during construction. This could cause inconvenience to the residents that currently use the right of way and could also be a healthy and safety issues as the right of way is a potential escape route in case of emergency.
- The delivery of building materials is difficult because there is no access for heavy good vehicles and the unloading options are limited.

- Damage to neighbouring boundary walls due to actions of the builders due to the right of way being so narrow.
- Concerns about the noise levels.
- Due to the position of the building site surrounded by dwellings, the noise and dust problem would be increased, affecting everyone in the immediate vicinity.
- Any vehicles being used for transporting building materials etc will have to drive down a very narrow track with a very narrow turn, only suitable for normal domestic vehicles. Concerned about damage to neighbouring properties by any vehicle attempting to use this route.
- Additional traffic during the building process will spoil enjoyment of neighbouring properties as there will be disruption past neighbouring homes, impacting on the outside space and enjoyment of this.
- Additional heavy traffic through this track will impact the quality of the track creating mud, dust and potential damage and potential health and safety risk is heavy vehicles are using track.

Other Matters:

- There is no wheelie bin collection possible to the proposed property because the right of way is too narrow.

Consultation Responses.

KC Environmental Health – No objection with the inclusion of conditions and footnotes regarding unexpected contamination and construction site working times.

KC Highways Development Management – Concerns remain in relation to access, emergency access and waste collection arrangements.

Policy.

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

The site is within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- 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)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)

Assessment.

1) Principle of Development

Policy LP1 of the Kirklees Local Plan 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, in order to protect and enhance the character of places, all development proposals

should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

The application site measures 605.93m² and seeks outline permission for one annex dwelling with two bedrooms. One annex dwelling is considered appropriate in this instance. If there were the potential to provide a greater level of residential accommodation at the site, it would be considered to result in a cramped form of development and would likely result in detrimental impacts to highway safety and residential amenity.

The site is considered to be located within a sustainable location, with residential development already established and located in close proximity to several bus stops.

Therefore, in relation to principle of development, it is considered that the development sought under this application would meet the requirements of the aforementioned policies.

A more detailed assessment of the proposal's design and its impact on the surrounding environment is undertaken below.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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 131 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, 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 this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

Principle 8 sets out that proposals should *“demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.”*

Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The application is seeking approval for access and layout, with all other matters to be dealt with at reserved matters application stage (appearance, landscaping and scale). Under such an application, officers have to consider whether residential development on the site could be achieved without causing detrimental harm to the character and appearance of the area.

With regards to design, matters of appearance and scale are reserved matters. This application is seeking approval for layout arrangements. Indicative proposed plans, elevations and sections have been submitted, alongside a proposed site block plan.

The submitted plans provide details that residential development at the site would comprise of one single storey two-bedroomed ancillary dwelling.

It is considered that the site could accommodate one single storey ancillary dwelling. As well as the building of the dwelling itself, the submitted block plan demonstrates outdoor amenity space and on-site parking provisions for both the ancillary dwelling and host dwelling of No. 23 Dalton Fold Road.

It is considered that the extent of outdoor amenity space shown on the submitted block plan would be appropriate, given the context of the site and the size / scale of the gardens to serve the other properties in the immediate vicinity. In addition, whilst it is noted that the proposal would result in the loss of the use of the land as a garden / allotment to serve No. 23 Dalton Fold, the proposal is for an ancillary dwelling, therefore, it would be the case gardens at the site would be shared between the future occupiers of the ancillary dwelling and occupiers of No. 23 Dalton Fold Road.

Therefore, with the above factors taken into consideration, it is considered that there is potential for one dwelling to be accommodated within the site.

This conclusion is drawn on the basis that the scheme which is set out at the Reserved Matters stage would need to be sensitively designed to appropriately sit within the site, such that it meets the requirements of the Housebuilders Design Guide SPD.

In accordance with Principle 5 of the Housebuilders Design Guide SPD, it is recommended that the proposed building be aligned and set-back to form a coherent building line. The proposed ancillary dwelling should therefore align with the siting of the residential dwellings to the south east, including No. 8 Haighs Square, which immediately neighbours the site to this side. It is noted that the indicative proposed plans show the siting of the ancillary dwelling approximately 1.5 metres forward of the building line of this neighbouring property.

Furthermore, Principle 5 also sets out that buildings should front on to the street, with well-designed frontages and prominent front doors. Given the siting of the proposed ancillary dwelling, it is recommended that the elevation facing the unadopted access road host such fenestration detailing. Officers

note that on the submitted indicative plans, this elevation hosts an access door.

With regard to the siting of built form, Principle 6 of the Housebuilders Design Guide SPD sets out that, 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-metre distance from the side wall of a new dwelling to a shared boundary. It is noted that this application proposes a single storey building.

Based on the details on the submitted indicative plans, the building would retain the following separation distances:

- approximately 1.9 metres from the shared boundary with No. 8 Haighs Square.
- a minimum separation distance of approximately 0.5 metres from the rear boundary shared with No.'s 42 and 44 Derwent Drive.
- approximately 10 metres from the boundary with the dwellings across the unadopted access road.

Given the single storey height of the proposed ancillary dwelling, it is considered that the proposed siting of the dwelling as shown on the indicative plans could be suitable, especially given the topographical land level differences between the application site and No.'s 42 and 44 Derwent Drive. As part of the determination of this application, officers consider it reasonable to impose a condition to secure details of finished slab and floor levels in accordance with Principle 15 of the Housebuilders Design Guide SPD and recommend that section drawings be submitted as part of any future reserved matters application.

Also relevant to siting, Principle 6 of the Housebuilders Design Guide SPD sets out that for two storey houses, 21 metres distance should be retained between facing windows of habitable rooms at the back of dwellings. Whilst it is noted that this application is for a single storey building, this measurement should be taken into consideration with regard to any habitable room windows proposed.

With regards to privacy, it is also noted that the indicative plans show an area of raised decking. Privacy should be a consideration for this element of the proposal, with any necessary privacy screens or forms of boundary treatment included and clearly indicated on plan at reserved matters stage. The raised decking is shown to be set against the shared boundaries with No.'s 44 and 46 Derwent Drive.

Principle 15 of the Housebuilders Design Guide SPD sets out that the design of rooflines should relate well to the site context, including topography, views and heights of buildings and roof lines. As such, it is considered that development should be the same height as the terrace row to which it would adjoin.

With regard to Principle 15 of the Housebuilders Design Guide SPD, officers consider it reasonable to include a condition upon any grant of approval, which seeks to secure details of finished slab and floor levels of the proposed dwelling, together with corresponding existing and finished ground levels and of surface and land drainage associated with any works.

No details of external materials have been submitted, however, to ensure that the materials are in keeping with neighbouring properties and the vernacular of the area, a condition would be attached to the decision notice accordingly.

Indicative details of garden / amenity areas have been provided. It is considered that outdoor amenity space in conjunction with residential developments should be of an appropriate useable size in relation to the level of accommodation proposed and be private. The extent of outdoor amenity space shown on the submitted proposed block plan is considered to be reflective of that provided at other properties in the immediate vicinity. It is noted that the proposal would result in the loss of the use of the land as a garden / allotment to serve No. 23 Dalton Fold, however, the proposal is for an ancillary dwelling, therefore, it is likely that use of the gardens at the site would be shared between the future occupiers of the ancillary dwelling and occupiers of No. 23 Dalton Fold Road.

Details of landscaping are a reserved matter, and no details have been provided as part of this outline application. Officers highlight that all forms of boundary treatment should be in keeping with existing forms established within the streetscene.

With regard to boundary treatments, officers consider it reasonable to attach a condition relating to the forms of boundary treatment proposed at the site, as part of the scheme for residential development. This condition shall seek the submission of a scheme detailing the location, heights and materials of proposed boundary treatments. As well as this condition being imposed for reasons of visual amenity, it is also related to residential amenity, explored in the following section of this officer's report.

In conclusion, it is considered that, subject to the details provided within the reserved matters application being of an acceptable design, it can be concluded that the plot could be developed in a manner that suitably accommodates the level of residential development for which permission is being sought without causing visual harm. As scale, appearance and landscaping are reserved matters, care would need to be taken to ensure that the dwelling does not appear overbearing in nature in relation to neighbouring residential dwellings or to constitute overdevelopment of the site. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance.

As such, with the inclusion of the aforementioned conditions, it is considered that ancillary residential development which is of a high quality and harmonious design to its wider setting could be accommodated within the site such that it has an acceptable impact upon the visual amenities of the locality

in accordance with policies LP11 and LP24 of the Kirklees Local Plan and Principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide.

2) Impact on Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for 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 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 Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 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 non-habitable rooms;
- 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-metre distance from the side wall of the new dwelling to a shared boundary.

The application seeks approval for access and layout, with all other matters to be dealt with at reserved matters application stage (appearance, landscaping and scale).

The proposal is for the erection of an ancillary dwelling, on land formerly used as a garden / allotment with walkways and perimeter fence / tall boundary walls to serve No. 23 Dalton Fold Road.

No. 23 Dalton Fold Road:

Whilst it is noted that the proposal would result in the loss of the use of the land as a garden / allotment to serve No. 23 Dalton Fold, the proposal is for an ancillary dwelling, therefore, it is likely that use of the gardens at the site would be shared between the future occupiers of the ancillary dwelling and occupiers of No. 23 Dalton Fold Road.

Therefore, with the inclusion of a condition to ensure that the dwelling be ancillary to No. 23 Dalton Fold Road only, the arrangements of outdoor amenity space as demonstrated on the indicative plans are considered to be acceptable.

No. 8 Haighs Square:

Based on the details on the submitted indicative plans, the proposed ancillary dwelling would retain a separation distance of approximately 1.9 metres from the shared boundary with No. 8 Haighs Square.

The indicative plans show bedroom and bathroom windows to be installed in the side elevation of the ancillary dwelling adjacent to No. 8 Haighs Square. Officer's note the presence of one window in a side elevation of No. 8 Haighs Square on the elevation facing towards the development site. Based on this, officers would reiterate the separation distances between habitable and non-habitable room windows as set out within Principle 6 of the Housebuilders Design Guide SPD.

Given the above assessment, and the fact that the application is for a single storey dwelling, it is considered that, subject to the location of fenestration detailing in relation to existing glazing at 8 Haighs Square, a scheme could be achieved which would not appear overbearing or have any significant impacts of overbearing, overshadowing or overlooking. This would need to be accessed further within any subsequent reserved matters application.

No.'s 17, 19 & 21 Dalton Fold Road:

Based on the details on the submitted indicative plans, the proposed ancillary dwelling would retain a separation distance of approximately 10 metres from the boundary with the dwellings across the unadopted access road and a separation distance of approximately 16 metres from the rear elevation of these dwellings.

The indicative plans show an access door and glazing to serve the hallway in the elevation facing towards No.'s 17, 19 and 21 Dalton Fold Road. The separation distances between habitable and non-habitable room windows, as set out within Principle 6 of the Housebuilders Design Guide SPD are reiterated.

Given the above assessment, and the fact that the application is for a single storey dwelling, it is considered that, subject to the location of fenestration detailing in relation to existing glazing at No.'s 17, 19 and 21 Dalton Fold Road, a scheme could be achieved which would not appear overbearing or have any significant impacts of overbearing, overshadowing or overlooking. This would need to be accessed further within any subsequent reserved matters application.

No.'s 42 and 44 Derwent Drive:

Based on the details on the submitted indicative plans, the proposed ancillary dwelling would retain a minimum separation distance of approximately 0.5 metres from the rear boundary shared with No.'s 42 and 44 Derwent Drive,

with a separation distance of approximately 8.5 metres from the closest elevation of these neighbouring properties.

As part of the determination of this application, officers consider it reasonable to impose a condition to secure details of finished slab and floor levels in accordance with Principle 15 of the Housebuilders Design Guide SPD and recommend that section drawings be submitted as part of any future reserved matters application.

The indicative plans show that the rear elevation of the ancillary dwelling, adjacent to these neighbouring properties, would be blank with no glazing. This design would be recommended up on the submission of any further reserved matters application, given the separation distances between habitable and non-habitable room windows, as set out within Principle 6 of the Housebuilders Design Guide SPD.

With regards to privacy, it is noted that the indicative plans show an area of raised decking to the rear of the site. Privacy should be a consideration for this element of the proposal, with any necessary privacy screens or forms of boundary treatment included and clearly indicated on plan at reserved matters stage.

Given the above assessment, and the fact that the application is for a single storey dwelling, it is considered that, subject to the submission of the conditioned / recommended information and location of fenestration detailing, a scheme could be achieved here which would not appear overbearing or have any significant impacts with regards to overbearing, overshadowing or overlooking. This would need to be accessed further within any subsequent reserved matters application.

No. 46 Derwent Drive:

With regards to privacy, it is noted that the indicative plans show an area of raised decking to the rear of the site. Privacy should be a consideration for this element of the proposal, with any necessary privacy screens or forms of boundary treatment included and clearly indicated on plan at reserved matters stage.

Future Amenity of the Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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.”*

Further to this, 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.”

The Nationally Described Space Standards set out that two-bedroom dwellings across one storey should have a minimal gross internal floor area of 61m² for three persons and 70m² for four persons. Officers consider that residential development which is compliant with the NDSS could be achieved at this site. This would be assessed further at the reserved matters application stage.

In terms of external amenity space, it is considered that the extent of outdoor amenity space shown on the submitted block plan would be appropriate, given the context of the site and the size / scale of the gardens to serve the other properties in the immediate vicinity and fact the remaining external amenity spaces would be shared between the proposal and host property. A condition to ensure the use is ancillary is recommended.

In conclusion, the principal of ancillary residential development on land to the rear of 23 Dalton Fold Road could be acceptable from a residential amenity perspective.

3) 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. 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.

Principle 19 of the above 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.

As part of the assessment and determination of this planning application, a formal consultation was undertaken with KC Highways Development Management. The consultation response from KC Highways Development Management concluded that they had concerns for the following reasons:

- 1) The existing access track is severely sub-standard being narrow (not wide enough for 2 vehicles to pass), un-made, there are also no footways, drainage or street lighting and there is no turning head.

- 1) Emergency access should be as follows: There should be a minimum carriageway width of 3.7 m between kerbs. There should be vehicle access for a pump appliance within 45 m of single-family houses. Turning facilities should be provided on cul-de-sac roads/driveways exceeding 20m in length. In this case the access track is more than 45m in length and there are no fire tender turning facilities.
- 2) Waste collection. There is no access or turning facilities for a refuse vehicle and the bin presentation point would therefore have to be at the junction with Dalton Fold Road which is more than the recommended 25m from the storage point.

However, whilst officer's note the concerns raised by KC Highways Development Management, the dwelling being ancillary to No. 23 Dalton Fold Road is considered to overcome the concerns raised.

With regard to the concerns raised regarding emergency access, the dwelling is to be ancillary and therefore, it is considered that emergency access to the site could be gained via the dwellinghouse of No. 23 Dalton Fold Road if required. If required, an emergency vehicle could park on the highway of Dalton Fold Road and access to the ancillary dwelling could be attained through No.23.

With regards to waste collection, based on an officer site visit, it is noted that existing dwellings in the immediate vicinity store their bins down the existing vehicular track from Dalton Fold Road. This arrangement would not be significantly altered / affected by the proposal given it would see the waste storage arrangements shared.

It is considered that in this case an ancillary accommodation which is used in connection with no.23 would not lead to an increased impact upon the access / highway arrangements which exist already which would justify refusal of permission in this case and whilst the response of the Highways Team is noted it is concluded that the development proposal is acceptable in this regard subject to condition requiring its use to remain ancillary to the host dwelling.

Therefore, with the inclusion of a condition to ensure the ancillary use of the dwelling, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

4) Other Matters

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy

includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

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.

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, as it would have to be constructed to modern building standards.

Foul Sewage:

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.

Given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development.

Ecology:

Chapter 15 of the National Planning Policy Framework is 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 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

With regard to Biodiversity Net Gain, the submitted application form sets out that the proposal is exempt for the reason of being a self-build project on a site that is no larger than 0.5 hectares. Officers are satisfied that the application is exempt for the reasons put forward in the application form.

5) Representations

In response to publicity, 7 objections were received, which raised the following concerns:

Visual Amenity:

- The development would profoundly change the character and appearance of the location.

Officer Response: A full assessment of the proposal's impacts towards visual amenity, including the character and appearance of the location, has been undertaken within Assessment section 2 of this officer's report, titled 'Impact on Visual Amenity'. This section concluded that, it is considered that ancillary residential development which is of a high quality and harmonious design to its wider setting could be accommodated within the site such that it has an acceptable impact upon the visual amenities of the locality. Upon any grant of approval, several conditions shall be imposed with regard to visual amenity.

Residential Amenity:

- Land at present is an allotment, allowing clear views and natural light. However, the development of a dwelling on this land would undoubtedly obstruct current clear views and block out natural light.
- The proposed dwelling on this land would infringe on privacy.

Officer Response: A full assessment of the proposal's impacts towards residential amenity has been undertaken within Assessment section 3 of this officer's report, titled 'Impact on Residential Amenity'. This section concluded that the principal of ancillary residential development on land to the rear of 23 Dalton Fold Road could be acceptable from a residential amenity perspective.

Highway Safety:

- Already an acute problem of parking during school times.
- The access lane was designed in the 1800s and is designed for the properties already here and not for further properties.
- Vehicles for the proposed building would further degrade the access track.

Officer Response: A full assessment of the proposal's impacts towards highway safety has been undertaken within Assessment section 4 of this

officer's report, titled 'Impact on Highway Safety'. This section of the report concluded that, with the inclusion of a condition to ensure the ancillary use of the dwelling, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network,

Construction Phases:

- Disruption and concerns for the maintenance of the land. If building going to use ginnel, this will cause stress to the ground with constant flow. Concerned about the ground works. If there's any damage, who will maintain this? Some neighbours have only this access, how will they be able to get out?
- Building is up an unadopted lane where the ground is soil covering pipework's etc. It is not suitable for wagons etc. or wide enough. Would make access to neighbouring homes difficult and unsafe. No heavy or wide traffic uses this lane. Would make safe walking difficult.
- The unadopted right of way, is narrow and is used by both vehicles and pedestrians and is unsuitable for heavy goods vehicles.
- There is potential for this right of way to be blocked by the construction workers and their vehicles during construction. This could cause inconvenience to the residents that currently use the right of way and could also be a health and safety issues as the right of way is a potential escape route in case of emergency.
- The delivery of building materials is difficult because there is no access for heavy good vehicles and the unloading options are limited.
- Damage to neighbouring boundary walls due to actions of the builders due to the right of way being so narrow.
- Concerns about the noise levels.
- Due to the position of the building site surrounded by dwellings, the noise and dust problem would be increased, affecting everyone in the immediate vicinity.
- Any vehicles being used for transporting building materials etc will have to drive down a very narrow track with a very narrow turn, only suitable for normal domestic vehicles. Concerned about damage to neighbouring properties by any vehicle attempting to use this route.
- Additional traffic during the building process will spoil enjoyment of neighbouring properties as there will be disruption past neighbouring homes, impacting on the outside space and enjoyment of this.

- Additional heavy traffic through this track will impact the quality of the track creating mud, dust and potential damage and potential health and safety risk is heavy vehicles are using track.

Officer Response: Officer's note the concerns raised with regard to the construction phases of the development. Whilst the construction phases of development are not categorised as a material planning consideration in the determination of planning applications, upon any grant of approval, a footnote shall be included with regard to this matter. The footnote shall include details of the construction site working times and legislation that is in place to control noise, dust, smoke and artificial light.

Other Matters:

- There is no wheelie bin collection possible to the proposed property because the right of way is too narrow.

Officer Response: An assessment of bin storage / collection arrangements has been included within Assessment section 4 of this officer's report, titled 'Impact on Highway Safety'. This section concluded that other dwellings in the immediate vicinity do store their bins down the existing vehicular track from Dalton Fold Road.

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 materials considerations. It is considered that the development is acceptable in principle and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation: Delegated Powers
Application Number: 2024/92768
Officer Recommendation: Approve

Conditions and Reasons:

1. Approval of the details of Appearance, Scale and Landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

Reason: This is a pre-commencement condition to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to Appearance, Scale and Landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority
3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
5. 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 Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30 & LP51 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide Supplementary Planning Document and policies within Chapters 2, 4, 5, 11, 12, 14 & 15 of the National Planning Policy Framework.
6. The residential development hereby approved shall not exceed a maximum of one single storey dwelling to be used solely as ancillary accommodation to the existing dwellinghouse known as 23 Dalton Fold Road, Dalton, Huddersfield, HD5 9NL and shall not be sold, leased, rented or used as an independent dwelling unit or let out as holiday accommodation.
Reason: To ensure that the annex is used solely as ancillary accommodation to the main dwellinghouse in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.
7. Development shall not commence until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which details all materials of construction. The submitted scheme shall include all external facings and roofing materials. The dwelling shall be constructed from these materials, which shall thereafter be retained.

Reason: This is a pre-commencement condition to ensure that the new dwelling is sympathetic to the surrounding built form, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. Development shall not commence until a scheme detailing the finished slab and floor levels of the dwelling hereby approved, together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall be carried out in accordance with the details so approved and the occupation of the dwelling hereby approved shall not take place until the works relating to the building have been completed. The approved levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: This is a pre commencement condition required in the interests of visual and residential amenity to accord with Policy LP24 of the Kirklees Local Plan, Principle 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

9. The development hereby approved shall not be brought into use until a scheme detailing the installation of all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of location, heights and materials. The boundary treatments shall be completed prior to the development being brought into use. The boundary treatments shall be thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

10. The development shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking.

Reason: In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan.

11. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a

Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 186, 190 and 195 and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021.

Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites. Code Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Construction Site Working Times

Noisy construction related activities shall not take place outside the hours of:

07:30 to 18:30 hours Monday to Fridays

08:00 to 13:00 hours, Saturdays

With no noisy activities on Sundays or 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: Highways

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to 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.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	24/949/01a	-	05.12.2024
Existing Block Plan	24/949/02a	-	05.12.2024
Site Block Plan as Proposed	23/941/04a	-	05.12.2024
General Arrangements as Proposed	23/941/03a	-	05.12.2024
Design and Access Statement & Planning Supporting Statement	23/941	-	01.10.2024
Climate Change Statement	23/941	-	01.10.2024

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 Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

During the course of the application, the scheme was amended to show a single storey ancillary building, rather than the originally proposed two-storey dwelling. As a result of these amendments, the description of proposal was amended accordingly.

Report dated: 27.10.2025

