

**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:	2024/62/93001/E
Site Address:	Land Adjacent, 38, Upper Road, Dewsbury, WF17 7LT
Description:	Erection of dwelling
Recommending Officer:	Edward Cheseldine

DECISION - REFUSED

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

Emma Thompson

AUTHORISED OFFICER

Date: 29-Jan-25

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Officer Report

2024/93001 - Land Adjacent, 38, Upper Road, Dewsbury, WF17 7LT

Site Description

The site is a plot of land adjacent to 38 Upper Road in Dewsbury. There are two-storey, terrace type dwellings within the building row, that are erected with formed stone exterior walls and smooth grey tiles on pitched roofs. Each dwelling contains a front facing roof dormer. There are residential dwellings to the north of the site, to the east rests a grade II listed church. Upper Road is set to the south of the application site.

In terms of the wider area, Upper Road is predominantly a residential street with a mixed building group identity. There are sporadic commercial and retail units on Upper Road. A character is formed by the spacious borders set back buildings from the roadside, which creates a sense of space at this particular point of the street.

Holy Trinity Church List Description:

Gothic Revival church. 1841, by R. D. Chantrell. Porch and N. aisle added 1895. Dressed stone. Pitched slate roof with gable copings. 6-bay buttressed nave with 2-light, traceried, stained glass windows with hood moulds. Porch on south side. Chancel to East with 5-light, traceried, stained glass window with hood mould. 2-tier West tower with 2-light louvred bell chamber and clock. Tower has diagonal buttresses, and parapet with crocketed pinnacles.

Description Proposal

The applicant is seeking planning permission for the erection of a dwelling. The dwelling would be 1.5 storey in height, 4.00m(w) x 12.00m(l) with an eaves height of 3.30m and a ridgeline height of 6.90m. The building will be constructed with formed stone external walls and smooth grey roof tiles. It will have a rectangular footprint with a pitched roof. A gable-end roof dormer will be placed to the front and rear of the property.

An access will be formed to the front of the property which will lead onto the access road that is set off Upper Road. Outdoor space will be formed to the rear of the property.

Amendments/Negotiations

Considering the principle of development is not acceptable, no amendments were requested.

Public Representation

The application was advertised by neighbourhood notification letters, a site notice and a press notice.

Neighbourhood notification expiry: 14-Jan-2025

Site notice expiry: 14-Jan-2025

Press notice expiry: 12-Jan-2025

As a result of the publicity, there was 1 public representation.

- The area is already built up and the traffic caused by same is intense especially on certain days do the week such as when the school is open or prayer days.

These comments will be assessed throughout the application and concluded within the *Representation* section of the report.

Consultation Responses

KC Environmental Health – No objection, subject to condition relating to ground intrusive investigations.

Relevant Planning History

2020/90923 – Erection of single-storey side extension – Full permission granted

2015/92255 – Erection of 8 dwellings – Full permission granted

Boundary Treatments

2021/91596 Discharge of condition 4 (Boundary) on previous permission 2015/92255 for erection of 8 dwellings - Refused 16/JUL/2021

2020/93513 Discharge of condition 4 (Boundary) on previous permission 2015/92255 for the erection of 8 dwellings - Refused 17/DEC/2020

2017/91656 Discharge conditions 3, 4, 6, 8, 9, 10, 11, 12 on previous permission 2015/92255 for erection of 8 dwellings Part Approved/Part Refused 09/OCT/2017.

Condition 4 on boundary fencing not discharged.

Policy & Legislation

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

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

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance

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

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making

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

Other Material Considerations

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Issues
- 5) Representations
- 6) Conclusion

Principle of development

Sustainable Development

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

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

The site is UNALLOCATED on the KLP Policies Map. Although the site is in close proximity to the grade II listed Holy Trinity Church. Policy LP2 states that:

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

Historic Environment

The site is located to the west of Holy Trinity Church which is a grade II listed building. The dwelling will be visible from the grounds of the church, it will also block visibility of the church from public vantage points when travelling eastbound along Upper Road.

Concern was raised in terms of the impact residential housing would have to the setting of the grade II listed church under application 2015/92255. A revised scheme was submitted as the height and layout of the dwellings would have significantly impeded views of the church when travelling westbound on Upper Road. The scheme proposed a 7.50m buffer space between 38 Upper Road and the public path allowing for visibility of the historic asset.

Application pursuant to 2020/90923 was approved for the erection of a single-storey side extension to No. 38. The extension had a projection of 4.00m from the original elevation, with an eaves height of 2.50m and a mono-pitched roof with a ridge height of 4.20m. The extension is appropriately designed allowing for the sight of Holy Trinity Church when accounting for the topography of Upper Road. In comparison to this application, there is a change in height and roof style from the previous permission.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The grade II listed, Holy Trinity Church has a squat form with a low nave. Its vertical height is addressed through its tower which sits to the west of the nave. The tower has decorative buttresses. Stained glass windows line the south elevation. This elevation is set back from Upper Road by ~12.00m.

In terms of its contribution to the surrounding area, Holy Trinity Church sits within a residential area, other than the church there are no other distinctive buildings which would contribute to the character of the area. The existing terrace row (No. 38-46) sits level with the church when considering the building line of the church allowing for views from the public road.

In terms of the impact of the proposed development, due to the scale, massing and ridgeline height, the extension would obstruct visibility of a significant proportion of the listed building including its buttresses and a high proportion of the tower. Due to the setback approach of the listed building, the perspectives at these points cut across the existing buffer space between No. 38 and the public footpath. Considering the height and ridgeline of the proposed dwelling, the view of the building will be obscured, blocking the main architectural features which provide the setting and enjoyment of the listed building for the public when observed from the east of the church.

Given the squat appearance of the church, the erosion of space will further introduce surrounding built form which is not respectful of the setting of the listed building.

Paragraph 212 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Due to the significance of the listed building, the new dwelling would present harm to the setting of the listed building.

Paragraph 214 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In terms of paragraph 214, the harm to the significance of the heritage asset is assessed against the benefits a one single dwelling. The applicant has not submitted a Design and Access Statement or a Heritage Impact Assessment. When considering the public benefits one single dwelling would bring, it is not considered the benefits of one single dwelling would be sufficient to justify such a harm to the public enjoyment of the building.

New Dwellings

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 officers assessment.’

One additional unit would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places therefore an assessment will be made on the impact set within national and local policy. Therefore, a balance will be formed, within this assessment, against the benefits one dwelling would bring to the supply.

Impact on Visual Amenity

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

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

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

LP24 states that proposals should promote good design by ensuring:

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

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

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

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

Characteristics of the building group within the immediate vicinity of the property are formed through the two-storey rectangular appearance of the

dwelling and the spatial pattern of the surrounding streets including undeveloped land on corner plots. Dwellings are two-storey in height, most of which are terrace type properties or flats in blocks of 2. The grade II listed building rests to the east of the site.

The application dwelling would be a 1.5 storey dwelling, which is placed in a position to the adjacent dwelling in terms of forward and rearward projection. There is a spatial pattern within the immediate section of Upper Road, with dwellings set away from the main street and spacious borders which provides an open character to the area. The proposed dwellings will be positioned on the end of the terrace row. Currently there is a 7.10m space to the side of the property, which will be reduced to 3.10m. Whilst the roof height and eaves of the building are considerably set down from the adjoining terrace property, the introduction of development in the existing residential garden space would introduce built form which contributes to the openness of the immediate part of Upper Road. There are no gaps or mitigations within the design of the terrace row, therefore the appearance of the terrace block would appear prominent considering the remaining space to the footpath. To the south of the application site is a block of flats, which is set back from the footpath by 10.00m. Considering the area, the other relatable plots have been left with generous front and side spaces which this development would remove.

Principle 5 of the Kirklees House Builders Guide SPD relates to positioning in terms of coherence, frontages and the surrounding area.

The building is set down from the adjoining dwelling, it is single storey attached to a row of two-storey dwellings. There are no other buildings in the immediate vicinity with a similar appearance. Due to its location on a prominent corner plot, it will be highly noticeable from the roadside. The change in scale fails to follow the overall established building form and character of the area. The proposed dwelling is only 4.00m in width. Given the relative scale of the property, with its position, set against the two-storey dwelling, the proposed building will appear contrived within its plot giving a cramped appearance which is contrary to the existing building group.

The development therefore fails to respect to the character of the built environment by way of its position in relation to the spatial pattern of the area and scale, failing to accord with Principle 2 & 5 of the Kirklees Housebuilders Design Guide SPD.

In relation to the front area of the dwelling, there will be one car parking space and a modest garden space. The make-up of the front of the dwelling is similar to other properties in the terrace row with parking directly in front of the properties.

Principle 13 of the Kirklees Housebuilders Design Guide SPD states that applicants should *consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.*

The materials accord with the terrace group, if the application was set for approval, it would be conditioned that the materials match the appearance of the existing building.

Principle 14 of the Kirklees Housebuilders Design Guide SPD notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Notwithstanding the scale of the building, openings on the front and rear of the building are similar in placement and size to other dwellings on the building row. The building rests on a corner plot location, the side elevation does not relate well to the streetscene as there is no active frontage design. It would be requested that high level windows are introduced to provide street interaction if the application was set for an approval. Given the prominent setting, the appearance of the side elevation does not maintain or enhance the character of the area which is unsatisfactory in terms of design.

Principle 15 states that the design of the roofline should relate well to site context.

In terms of roofline, a pitched roof has been chosen in an orientation of the other buildings to the north. As previously discussed, whilst the orientation matched the terrace row, the height of the structure will present a stepped down approach which does not accord within the building group to the north.

The proposed development, due to scale and positioning would have a detrimental impact within the streetscene, reducing the sense of openness within this section of Upper Road, whilst appearing incongruent within the building group due to its architectural features. This would be contrary to Principle 2, 5, 14 & 15 of the Housebuilders Design Guide SPD, Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the NPPF.

Impact on Residential Amenity

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

‘...minimise impact on residential amenity of future and neighbouring occupiers.’

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

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

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

38 Upper Road is the only residential dwelling that would be impacted by the development. All other properties are over 21.00m away from the new windows or a distance that would not result in a loss of outlook, loss of light or an overbearing impact.

Impact on 38 Upper Road

This dwelling is the adjoining residential building. There is currently a side elevation window on the existing property, which lights an ensuite. The proposed dwelling will remove this light source. The ensuite is attached to a bedroom with a front elevation window. The ensuite is secondary to the main bathroom. Given the relationship, the loss of the window is acceptable.

In terms of privacy, there will be rear facing windows at a first-floor level that will overlook the private outdoor amenity space of No. 38. There are other windows on the terrace row that overlook this space, therefore the relationship is acceptable.

The building is set within the dimensions of 38 Upper Road set below the eaves, when considering the mass, there will not be a loss of light, loss of outlook or an overbearing impact from the proposed development.

It would be conditioned that all bathroom windows are obscurely glazed to ensure privacy to future and neighbouring occupants in respect of LP24 b.

Amenity of Future Occupiers

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

Internal space standards are outlined within the Nationally Described Space Standard (NDSS). Space standards indicate a 2 storey dwelling with 1 bedroom requires a minimum internal floorspace of 70m². The internal floorspace of the proposed dwelling would have a total floorspace of 73.60m², meeting the requirements.

Double bedrooms must be at least 11.5m² with the first been a width of 2.75m. The bedroom indicated on the plans is 13.30m² and is 3.50m wide.

It is acknowledged that the ‘study’ could be converted into a bedroom for single occupancy which would not put the size of the internal floorspace over the threshold. Even so, NDSS recommend a bedroom of single occupancy to be 7.50m², the study

The proposed dwelling therefore accords with NDSS.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. The dwelling will have a rectangular footprint, with a satisfactory layout when accounting for doorways to accommodate a double bed and internal room storage for the bedroom. Each room has a window opening to allow for a flow of light into the spaces.

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.”*

Private outdoor amenity space will be formed to the rear of the property. The outdoor space is a decent size for a dwelling with one bedroom which is 50m², meeting the requirement of Principle 17.

The proposed development is therefore considered acceptable in terms of residential amenity, and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

It is noted a fence has been erected to the south of the site which does not have permission. There have been 3 applications to discharge the condition relating to the boundary treatment which have been refused. If the application was set for approval, a condition would be set that boundary fencing details are submitted to ensure privacy, a suitable impact to the significance of listed building and streetscene, and to ensure a safe impact for vehicles merging onto Upper Road.

Impact on Highway Safety

Paragraph 116 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."

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

Policy LP22 relates to suitable parking for new developments.

The application proposes a single parking space which sits in front of the application dwelling. The Kirklees Highways Design Guide SPD stipulates a 1 bedroom dwelling should have 1 off-street parking spaces, which the development accords with. The access onto Upper Road will not be altered, however there will be a boundary treatment along the southward boundary. If the application was approved, a condition would be set that the boundary does not interfere with current access arrangements. Visibility sightlines should be shown as per the 'Manual for Street' described distances.

Notwithstanding the condition relating to fencing, the development accords with LP21 & LP22 of the Kirklees Local Plan.

Environmental Matters

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

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The agent has stated the application falls under the 'self-build' exemption category within the application forms. The agent has confirmed the development complies with the Self-build and Custom Housebuilding Act 2015, and the officers has no reason to dispute this, therefore the application is exempt from a BNG uplift.

Nonetheless, Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD, the Biodiversity Guidance Note, and Chapter 15 of the National Planning Policy Framework state that biodiversity net gain is required for all development.

To create this net gain, a condition to secure No.1 bird box and No. 1 bird box, into the external walls of the new dwelling is recommended to be added to the decision notice. This mitigation will ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements.

Contaminated Land

LP52 and paragraph 196 & 197 of the NPPF regard contaminated and unstable land.

KC Environmental Health reviewed the proposal, they considered there will not be any Environmental Health impact with the development. However, they requested a cautionary condition that if ground contamination is encountered during the groundworks, the council should be notified with a remediation strategy to be confirmed by the LPA.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added to the decision notice.

Electric Vehicle Charging Points

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

Carbon Budget

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

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Principle of Development & Highways Safety

- The area is already built up and the traffic caused by same is intense especially on certain days do the week such as when the school is open or prayer days.

Officer Comments: 1 additional units is not considered to result in housing density that would materially change the functions of the area. The dwelling would have a suitable number of parking spaces for the number of bedrooms proposed.

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 does not accord with Principle 2, 5, 14 & 15 of the

Housebuilders Design Guide SPD, Policy LP24(a) & LP35 and Chapter 12 & 16 of the National Planning Policy Framework. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refusal

Reason(s) for Refusal

1. The proposed development would result in harm to the setting of the designated heritage asset (Holy Trinity Church), which provides important visual and social benefits to the wider area, with no public benefits to outweigh such harm. It would obstruct important vistas from Upper Road, whilst enclosing the listed building's surrounding due to the continuation of development. To permit the extension would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework
2. The proposed development, due to scale and positioning would have a detrimental impact within the streetscene, reducing the sense of openness within this section of Upper Road, whilst appearing incongruent within the building group due to its architectural features. This would be contrary to Principle 2, 5, 14 & 15 of the Housebuilders Design Guide Supplementary Planning Document, Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the NPPF.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	21 October 2024
Proposed grouped plans	-	-	21 October 2024
Climate change statement	-	-	21 October 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 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.

Considering the principle of development is not acceptable, no amendments were requested.

