

**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:	2024/62/93130/E
Site Address:	Land adj, 1, Rowgate, Upper Cumberworth, Huddersfield, HD8 8XH
Description:	Erection of detached dwelling with associated parking
Recommending Officer:	Edward Cheseldine

DECISION – FULL CONDITIONAL APPROVAL

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.

Emma Thompson

AUTHORISED OFFICER

Date: 18-Feb-25

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Officer Report

2024/93130 - Land adj, 1, Rowgate, Upper Cumberworth, Huddersfield, HD8 8XH

Site Description

Land adjacent to 1 Rowgate is part of the residential garden for the existing property. The site is a cornerplot positioned between Rowgate and Barnsely Road. The garden area has recently been cleared of plant and shrubs. There is an existing access that leads onto Rowgate. The site is bounded by a stone wall. The site is set below Barnsley Road due to the gradient of the land.

The immediate area comprises of residential dwellings. The site is in close proximity to 1 Rowgate which is a late 20th century property and 1A Rowgate which is currently under construction.

In terms of spatial pattern, there is a linear building row along Barnsley Road after the intersection with Rowgate. To the south and east, there are larger dwellings within larger plots with no fixed spatial pattern. The erection of 1A Rowgate has diluted this pattern to a degree. There are modern buildings within this building group.

Proposal Description

The applicant is seeking permission for the erection of No.1 detached, two-storey dwelling with associated parking.

The dwelling will have an 'L' shaped footprint. It will be 9.60m x 8.45m with an eaves height of 5.10m and a ridgeline height of 7.00m. It will have a hip roof with cross gable. It features a flat roof projection on the east elevation.

The external walls will be constructed with natural coursed stone and ashlar detailing, the roof will be clad in grey Yorkshire slate roof tiles.

A driveway will be formed to the east of the dwelling.

Boundary treatments have been proposed. A privacy fence will be erected within the residential boundary between 1 & 1A Rowgate. Stone walling will be erected on the eastern boundary shared with the footpath.

Negotiations/Amendments

Officers requested the following information:

- Floor plans of 1 Rowgate
- Updated block plan indicating parking spaces
- Street scene plan for Barnsley Road
- Amended location plan to include 1A Rowgate within blue line boundary.

During an Officer site visit it has been noticed 1A Rowgate has not been built in accordance with the approved plans pursuant to 2001/91659. Notably, there are two side elevation windows with views towards the development site. Through negotiation, it has been agreed upon to block up these windows by way of a condition. The agent also confirmed they would submit a Lawful Development Certificate for the skylights to rectify the development.

Public Representations

Neighbourhood notification letters were distributed to advertise the application, which expired on the 23-Dec-2024. As a result of the publicity, there were 2 objections.

- Rowgate used to have 8 properties on it. It now has, or will soon have 12 properties, with one of those being significantly extended and another (2023/92882) about to be knocked down and rebuilt with a significant increase in size.
- Rowgate cannot cope with the road traffic due to the increase in housing.
- This has been significantly exacerbated by the plant and worker parking during the building works on numbers 10 and 12. You have recently passed planning approval on 2023/92882 (number 4) - a property with no off-street parking. Once the building work starts on that property, the pavements will be used for parking by those working on site (as the road is not wide enough for two cars to pass simultaneously on Rowgate). Allowing building work to start, presumably simultaneously on a new development at Number 1 will cause not only serious disruption to us residents, but also a safety issue due to vehicles and plant parking on the pavements. This is currently happening due to the building work re 2022/92208 (10 and 12) and ongoing work at the new build on the existing land of Number 1 (proposer of this application).
- Rowgate really needs to be either a one-way street or have double yellow lines down the street - as previously requested, noted by you

but subsequently discounted. Children walking to school, having to walk on the road because vehicles are parked fully on the pavement is a serious safety issue.

- Rowgate is used as a cut through / short cut for drivers to avoid the busy Sovereign junction and as such, it is dangerous for people walking in the road, and is dangerous for residents reversing on and off driveways as visibility for drivers is reduced due to the vehicles parking on the pavements.
- The top of Rowgate as it joins Barnsley Road is also a difficult road to enter due to how busy Barnsley Road is, and the fact that drivers rarely stick below the 40mph limit. Consideration should be given to ensure the new property, if approved, does not restrict visibility for drivers leaving Rowgate onto Barnsley Road and having an accident - where accidents have happened in the past.
- I would politely request that somebody viewed the current parking arrangements on a week day, when activity is ongoing and make a judgement based on that. A traffic survey may also highlight just how busy and fast a road Rowgate has become.
- Difficult to comment on some aspects as I found parts of the handwritten form illegible.
- There is nothing wrong with the design of the proposed house apart from that it represents overdevelopment of the small available site.
- The applicant correctly states that there are no trees on the site. Photographs supplied by the applicant in their Design and Access Statement demonstrate the rich variety of mature shrubs and large trees that were present on the site until they were totally destroyed shortly before submitting this planning application. A biological desert has been deliberately created.
- The application overstates the quantity of useable off-street parking. My own observation over many years as a local resident is that there are frequently vehicles associated with 1 Rowgate parked on-street, often partially obstructing the pavement as well as the road. This despite there being, on a drawing at least, ample space to park these vehicles off-road. A newly build 2nd family sized detached house behind No 1 has not yet been occupied. If this proposed 3rd family sized detached house were to be built at 1 Rowgate the situation would be far worse than it is now. The three houses have only two access points onto the road, and it is inevitable that this development would contribute to an already serious problem with parked vehicles causing a hazardous obstruction. Rowgate narrows considerably at its junction with the A635. This is already a difficult and dangerous junction.
- Rowgate has seen a huge amount of development over the last few years including extensions to existing houses as well as new builds. I

don't believe there is space for yet another new house plus the vehicles that come with it.

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 conditions

KC Highways DM – No objection

Denby Dale Parish Council – No objection

Relevant Planning History

2001/91659 – Erection 1 detached dwelling – Full permission granted

Policy & Legislation

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

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

Kirklees Local Plan (LP):

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

National Policies and Guidance

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

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

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

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019).
- 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. Policy LP2 states that:

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

New Dwellings

The 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.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 4 dwellings. However, LP7 states this target should be 'where appropriate' and in the policy justification set out in paragraph 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. There are currently two dwellings within the plot, the proposal would add 1 additional unit to this equation. The site contains detached dwellings, it is within a confined, prominent position to the land gradient and Barnsley Road. 3 dwelling is a suitable density for the plot size.

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.”*

There is a mix of dwelling within the immediate vicinity, however there is an identity that is formed by the materials and details within the properties. Development has formed a warped parallel street pattern around Rowgate and Barnsley Road. There is a mix building size consisting of terrace properties and larger detached dwellings. Any development should therefore be respectful of both street patterns.

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

The dwelling would be placed in a position that is level with 1 Rowgate and within a similar position to the terrace properties to the east. It is set parallel to 1A Rowgate. The placement is therefore appropriate continuing the respective building lines. In terms of scale, the building is relative to the adjacent dwellings. It is noted the dwelling is formed with an 'L' footprint introducing a change in architectural style. A rectangular footprint would introduce a projection beyond the existing building lines, be closer to the public footpath and reduce the outdoor amenity space of occupiers. The shape of the building is therefore acceptable.

In terms of the appearance of the building, due to the gradient of the land, when observed from Barnsley Road a section of the first-floor and roof will be visible. The distance between the application dwelling and 1A Rowgate will be 10.90m which preserves the open character at this section of the road.

It is recognised there is a close relationship between the application dwelling and 1 Rowgate. The dwelling will be stepped back from the public footpath of Rowgate by 7.20m. 1A Rowgate has a similar position when compared against Rowgate. The impact in terms of character is therefore considered to be neutral.

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 architectural features of the property are in keeping with the local character found within the building group. Sash and mullion windows are used appropriately. The use natural stone external walls and natural Yorkshire stone slates is considerate to the area.

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.

Openings are present within the street scene on the south and east elevation. These are traditional windows types. There is a ceiling to floor window on the south elevation, it is moderate in scale and suitable for the dwelling.

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

Due to the small cluster of dwellings, the separation due to Rowgate and the land gradient there is not a strong roofline within the immediate vicinity. The application dwelling has a similar roof line in terms of height to the adjacent dwellings which is appropriate.

Therefore, it is considered that a development which meets the policies of Chapter 12 of the NPPF, by contributing positively to the surrounding area, as well as policies LP1, LP2, and LP24 of the Kirklees Local Plan and Principles 2, 5, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide SPD.

Impact on Residential Amenity

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

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

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

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

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

The properties affected will be 1 Rowgate, 1A Rowgate, 2 Rowgate and 2A Rowgate. There are properties to the south of the dwelling, however by virtue of distance, their residential amenity will not be impacted.

Impact on 1 Rowgate

1 Rowgate is situated to the north of the dwelling site. There are currently south facing windows on the property. The applicant has submitted a proposed floorplan for the dwelling. They have indicated the south facing, ground-floor windows will be blocked up. A new window will be installed on the east elevation to light the room indicated as bedroom 3. There will be adequate windows that provide a flow of light to the ground floor rooms. There is an existing dormer window on the southern roof plane. Floorplans indicate this room is an en-suite. To ensure privacy, it will be conditioned that the ground floor south facing windows are blocked up and the south facing dormer windows is obscurely glazed prior to the occupation of the approved dwelling.

In addition, there are two north facing windows on the proposed dwelling. The first-floor window will have a direct relationship with the dormer window. To ensure privacy, it will be conditioned this window is fixed shut and obscurely glazed.

The ground floor window of the proposed dwelling lights a hallway. As privacy fencing is proposed between the two properties, the relationship is acceptable.

There is a separation of 1.00m between the application dwelling and the shared boundary. Due to the position of the proposed building and the changes to the windows, this area will effectively become a space used for access to the west elevation. Due to the function of the space, the relationship is acceptable in terms of proximity for neighbours.

Impact on 1A Rowgate

1A Rowgate, is situated to the west of the application, its relationship is offset to the west elevation of the application site due to its placement. There are ground floor windows that light a lounge which is classed as a habitable room. A boundary fence is proposed between the properties. Due to the angle of outlook and proposed boundary treatment, the relationship is acceptable.

Due to distance, there will not be a loss of light, outlook or an overbearing impact.

Impact on 2 Rowgate

This property sits to the north- east of the application site. It is located 16.40m from the application dwelling. The relationship is indirect, offset by the angle of each property, therefore there will be no impact to privacy.

Due to distance, there will not be a loss of light, outlook or an overbearing impact.

Impact on 2A Rowgate

2A is located to the east of the application dwelling, separated by a 19.50m distance. The side elevation of each property is set at an acute angle to each other. There are no side elevation windows on 2A, therefore there will be no impact to privacy.

Due to distance, there will not be a loss of light, outlook or an overbearing impact.

Amenity of the Proposed Occupier

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 3 bedrooms requires a minimum internal floorspace of 84m². The internal floorspace of the proposed dwelling would have a total floorspace of 124.50m², meeting the requirements.

In order to provide 2 bedspaces, a double has a floor area of at least 11.5m²

1 double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The double bedrooms are 13.92m² and 12.80m², with appropriate widths.

In order to provide 1 bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide.

The single bedroom is 9.25m² with a width of 2.50m.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. The dwellings have rectangular footprints, with satisfactory layouts when accounting for doorways to accommodate double beds and internal room storage. There will be sufficient amount of natural light in each room due to the window placement.

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.”*

Outdoor amenity space is provided to the south and west aspects of the site. The area is currently bounded by a low stone wall. Given the setting of the plot, it would not be suitable to erect fencing along this boundary. The applicant could, however soft landscaping could be introduced to create

privacy. The size of the garden space is suitable to provide a good level of amenity for a dwelling of this size.

Amenity Space for 1 Rowgate

The size of the outdoor space will be significantly reduced due to the proposed dwelling. There will be outdoor space to the west and east which totals 100m² of land. All 3 dwellings within the space have a similar level of amenity space. Through a condition, the first-floor windows in the side elevation of 1A Rowgate will be blocked removing the current overlooking relationship into the amenity space and windows of the kitchen.

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.

Impact on Highway Safety

Policy LP21 & LP22 related to the impact on the existing highway network and parking.

KC Highways were consulted on the application informally. They had no concerns with the proposal. The applicant was requested to submit an amended block plan indicating the level of car parking for each plot and an access of 3.70m to allow for a fire truck to access 1A Rowgate. A block plan was submitted indicating a suitable access level. The proposed dwelling and 1 Rowgate have 3 bedrooms. The Kirklees Highways Design Guide Supplementary Planning Document states, such a dwelling should have two off-street spaces. A storage container currently sits in the position 1 car parking space, as such it will be conditioned the unit is removed prior to the occupation of the development so that a suitable level of parking is achieved.

Environmental Matters

Biodiversity Netgain & Ecology

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.

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 for minor sites granted pursuant to an application submitted after 02 April 2024 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.

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, if the application was minded to be approved, a condition to secure a 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

LP53 relates to contaminate an unstable land.

The proposed development is shown on our mapping systems to be located on the site of a former quarry which may have been infilled. Therefore, conditions in relation to contaminated land will be set to ensure the site is safe and suitable for the proposed development.

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.

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

- Rowgate used to have 8 properties on it. It now has, or will soon have 12 properties, with one of those being significantly extended and another (2023/92882) about to be knocked down and rebuilt with a significant increase in size.
- Rowgate has seen a huge amount of development over the last few years including extensions to existing houses as well as new builds. I don't believe there is space for yet another new house plus the vehicles that come with it
- There is nothing wrong with the design of the proposed house apart from that it represents overdevelopment of the small available site.

Officer Comments: The development has been assessed in terms of Policy LP7 (Efficient and effective use of land and buildings) that relates to density, visual impact of the dwelling within the existing urban grain and in terms of parking. The Officer has no concerns in relation to the location of the dwelling. The scale and plot are acceptable in context.

Highway Safety

- Rowgate really needs to be either a one-way street or have double yellow lines down the street - as previously requested, noted by you but subsequently discounted. Children walking to school, having to

walk on the road because vehicles are parked fully on the pavement is a serious safety issue.

- I would politely request that somebody viewed the current parking arrangements on a week day, when activity is ongoing and make a judgement based on that. A traffic survey may also highlight just how busy and fast a road Rowgate has become.
- The application overstates the quantity of useable off-street parking. My own observation over many years as a local resident is that there are frequently vehicles associated with 1 Rowgate parked on-street, often partially obstructing the pavement as well as the road. This despite there being, on a drawing at least, ample space to park these vehicles off-road. A newly build 2nd family sized detached house behind No 1 has not yet been occupied. If this proposed 3rd family sized detached house were to be built at 1 Rowgate the situation would be far worse than it is now. The three houses have only two access points onto the road, and it is inevitable that this development would contribute to an already serious problem with parked vehicles causing a hazardous obstruction. Rowgate narrows considerably at its junction with the A635. This is already a difficult and dangerous junction.

Officer Comments: The development includes adequate access and a sufficient amount of off-street parking spaces for all plots within the site.

- Rowgate is used as a cut through / short cut for drivers to avoid the busy Sovereign junction and as such, it is dangerous for people walking in the road, and is dangerous for residents reversing on and off driveways as visibility for drivers is reduced due to the vehicles parking on the pavements.
- Rowgate cannot cope with the road traffic due to the increase in housing.

Officer Comments: The access for the proposed dwelling is existing, no new access will be formed. The application was assessed by KC Highway Safety, they did not raise concerns in relation to the modification of the existing highway for the safety of pedestrians.

- The top of Rowgate as it joins Barnsley Road is also a difficult road to enter due to how busy Barnsley Road is, and the fact that drivers rarely stick below the 40mph limit. Consideration should be given to ensure the new property, if approved, does not restrict visibility for drivers leaving Rowgate onto Barnsley Road and having an accident - where accidents have happened in the past.

Officer Comments: The dwelling is set back from Barnsley Road and will not obstruct views of the road when turning from Rowgate.

- This has been significantly exacerbated by the plant and worker parking during the building works on numbers 10 and 12. You have recently passed planning approval on 2023/92882 (number 4) - a property with no off-street parking. Once the building work starts on that property, the pavements will be used for parking by those working on site (as the road is not wide enough for two cars to pass simultaneously on Rowgate). Allowing building work to start, presumably simultaneously on a new development at Number 1 will cause not only serious disruption to us residents, but also a safety issue due to vehicles and plant parking on the pavements. This is currently happening due to the building work re 2022/92208 (10 and 12) and ongoing work at the new build on the existing land of Number 1 (proposer of this application).

Officer Comments: The development is for 1 new dwelling, which does not meet the threshold of a construction management plan.

Environmental Matters

- The applicant correctly states that there are no trees on the site. Photographs supplied by the applicant in their Design and Access Statement demonstrate the rich variety of mature shrubs and large trees that were present on the site until they were totally destroyed shortly before submitting this planning application. A biological desert has been deliberately created.

Officer Comments: It is recognised the site has recently been cleared. None of the trees on site were protected by a Tree Preservation Order. There will be a biodiversity uplift of the site due to the placement of a bird and bat box on the new dwelling.

Other Considerations

- Difficult to comment on some aspects as I found parts of the handwritten form illegible.

Officer Comments: Comment noted. All requested information was received by the planning officer. The application was considered valid and progressed.

Conclusion

The application for residential development at land adjacent to 1 Rowgate has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable principle and design, and lack of harm in terms of visual amenity, residential amenity highway safety and environmental matters, the proposed development is considered to be acceptable.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. The dwelling shall be constructed with natural coursed stone and ashlar detailing with natural Yorkshire stone roof tiles as pre drawing: 24106-01 RevB and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design

Guide SPD and the aims of chapter 12 of the National Planning Policy Framework.

3. Prior to the occupation of the proposed dwellinghouse, the boundary treatments shall be constructed and laid out in accordance with drawing 24106-01 RevB, hereby approved, which shall thereafter be retained.

Reason: So as to protect the amenity of the proposed occupier by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 b) of the Kirklees Local Plan and the provisions of the Kirklees Housebuilders Design Guide SPD.

4. The development shall not be occupied until the W/C windows of the hereby approved dwelling have been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Principle 6 of the Kirklees Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

5. The development shall not be occupied until the hallway window on the first-floor of the hereby approved dwelling has been obscurely glazed (to a minimum Grade 4). The window shall be fixed shut. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Principle 6 of the Kirklees Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

6. The development shall not be occupied until the ensuite window of the dwelling at 1 Rowgate has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Principle 6 of the Kirklees Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

7. 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 Act or Order with or without modification) no window or door openings shall be constructed on the north or west elevation of the dwelling at any time.

Reason: So as to protect the amenity of the proposed occupier by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 b) of the Kirklees Local Plan and the provisions of the Kirklees Housebuilders Design Guide SPD.

8. Prior to occupation of the dwelling hereby approved, windows on the south elevation of 1 Rowgate shown on drawing 24106-02 shall be removed and blocked up and retained. The stonework and pointing to the external wall of the windows hereby removed, shall match the stone type and pointing of the adjacent wall.

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

9. Development above slab/foundation level of the new dwelling shall not commence until a scheme of external alterations to windows and proposed floor plans for 1A Rowgate has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed prior to the new dwelling being first occupied and retained thereafter.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan Principle 6 & 17 of the Kirklees Housebuilders Supplementary Planning Document and the aims of the National Planning Policy Framework.

10. Prior to the occupation of the proposed dwellinghouse, the shipping container identified on drawing: 01 RevA shall be removed from the site and the parking area retained free of obstruction other than the parking of vehicles.

Reason: For the avoidance of doubt as to what is being permitted in the interests of highway safety and to achieve a satisfactory parking layout and to accord with Policy LP21 & LP22 of the Kirklees Local Plan

11. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person

has been submitted to and 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. 183 and 184 of the National Planning Policy Framework

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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. 183 and 184 of the National Planning Policy Framework.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks 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 shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures 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. 183 and 184 of the National Planning Policy Framework.

16. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. 24-007-05A are laid 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 as amended or any successor guidance. 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) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

17. One bird box and one bat box shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The bat and bird boxes shall be provided prior to first occupation of the dwelling and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

Note: 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 of 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: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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 bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing site / block layout	8955/1	-	04 November 2024
Proposed grouped plans	24106-01	RevB	11 February 2025

Exiting dwelling floor plan / street scene plan	24106-02	-	10 January 2025
Design and access statement	-	-	04 November 2024
Climate change statement	-	-	04 November 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.

Officers requested the following information:

- Floor plans of 1 Rowgate
- Updated block plan indicating parking spaces
- Street scene plan for Barnsley Road
- Amended location plan to include 1A Rowgate within blue line boundary.

During an Officer site visit it has been noticed 1A Rowgate has not been built in accordance with the approved plans pursuant to 2001/91659. Notably, there are two side elevation windows with views towards the development site. Through negotiation, it has been agreed upon to block up these windows by way of a condition. The agent also confirmed they would submit a Lawful Development Certificate for the skylights to rectify the development.

