

# **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:         | <b>2024/62/93544/W</b>                         |
| Site Address:         | 3D, Broad Lane, Upperthong, Holmfirth, HD9 3JS |
| Description:          | Erection of 2 garden pods                      |
| Recommending Officer: | Molly Storer                                   |

### **DECISION – CONDITIONAL FULL 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: 04-Mar-2025**

## **Site Description**

The application site relates to 3D Broad Lane, a two storey detached house located in the area of Upperthong. The property is constructed from stone with a concrete tiled roof and was built around 2018. 3D Broad Lane lies in a cluster of dwellings of varying age, scale and appearance it is also located at the end of a cul-de-sac.

The original property is built on a hillside above the Holme Valley, resulting in the properties to the south being at a lower level. This also results in the topography of the site sloping downwards from north to south. The property benefits from garden amenity space to the front and rear, with the larger amenity space being to the south of the building.

## **Description of Proposal**

Planning permission is sought for the erection of two garden pods.

The measurements of the proposed outbuilding are as follows:

Outbuilding 1 (home office):

- 8m length
- 4m width
- 3.1m height

This building would be to the north of no.3d.

Outbuilding 2 (garden room):

- 8m length
- 4m width
- 4m height

This building would be to the south of no.3d.

The proposed outbuildings would be built from timber and composite cladding with flat roof designs.

**History of negotiations/amendments received.**

The agent was contacted regarding the distances between the proposed outbuildings and neighbouring properties. The agent responded with plans which showed the proposed outbuildings with relation to existing neighbours and these distances clearly measured.

This will be further assessed in the following report.

### **Relevant Planning History**

The most relevant planning history is considered to relate to the following application which relates to the development of the land:

2015/93021 - Erection of detached dwelling with integral garage. Conditional Full Permission.

It is noted this permission restricts permitted development rights for the construction of outbuildings.

### **Representations**

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

These expired on the 6<sup>th</sup> February 2025 – 8 representations were received. These are summarised below and will be discussed further in this report.

Representation 1 – general comment:

- Concerns with relation to a land drain which passes across the lower part of the garden.
- When the land drain is blocked it floods neighbouring gardens.

Representation 2 – Objection:

- Do not believe that the home office would be for the intended use.
- Believe it would be used as a holiday let.
- Holiday let would cause disruptions.
- Impact from overlooking

Representation 3 – Objection:

- Concerns that pods may be used for habitation or rental purposes.
- Applicants will have free right of access over our privately owned driveway.
- Can conditions control use of the site / pods as well as ensure maintenance of the driveway

- What action can be taken if the use of a home office is in excess of that to be expected at a residential property

#### Representation 4 – Objection:

- Concerns with regard to flood management at the site.
- The pods may affect water courses which run through the site
- Concerns that it will be used as a 'party house'.

#### Representation 5 – Objection:

- Concerns that the site will be used to run a business.
- Can a stipulation be that use is only for that stated in the application.
- Access to 3D is narrow, private driveway which is not suitable for more than normal domestic access.

#### Representation 6 – Objection:

- Concerned as to what the pods will be used for.
- Worried that the front pod will cause overlooking.
- Would the property be used for short term lets
- The property has been up for sale, is it still intended to be sold

#### Representation 7 – Objection:

- Site is within the Green Belt it will result in a loss of green space.
- May affect mental health of local walkers.
- Would result in degrading the over used road further.
- Allowing this on Green Belt land would result in further applications.

#### Representation 8 – Objection

- Delivery of the pods will cause damage to the driveway.
- Concerns that the pods will be rented out.
- Notification of other land owners within the application site is a statutory requirement
- Both pods have kitchen / bathroom facilities
- Error on the submitted plans in relation to annotation of neighbouring properties

Holme Valley Parish Council – Support - but with concerns for overlooking on adjacent properties.

The 'Assessment' section of this report addresses the summarised concerns listed above.

### **Consultation Responses**

No consultees required.

### **Policy**

The site is unallocated on the Kirklees Local Plan, falls within an area with a known presence of bats and also an area at low risk of ground movement as a result of former mining activity.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area (ref: - LCA4, The River Holme Settled Valley Floor).

#### Kirklees Local Plan:

- **LP 1**– Achieving sustainable development.
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

#### Neighbourhood Development Plans:

Holme Valley Neighbourhood Development Plan (2021). The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain)

The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor.

The Key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park. Where the built-up characteristics are terraced cottages, narrow streets within small tight knit settlements.

#### Supplementary Planning Documents:

- House Extensions and Alterations SPD
- Highways Design Guide SPD

#### 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 6<sup>th</sup> 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

### 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 27<sup>th</sup> February 2019).

### **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) Other matters
- 5) Representations
- 6) Conclusion

#### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development

contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 15: Provision for parking

- Key design principle 16: Provision for waste storage

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

In this instance, the erection of outbuildings can be acceptable in principle, subject to the assessment of the impact on visual amenity, residential amenity as well as highway safety and any other impacts that may arise which is discussed in the following sections of this assessment. On the basis the proposal is concluded acceptable in these respects, it is considered the proposal is acceptable in principle.

## 2 – Impact on visual amenity:

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 4, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

5.6 of the Supplementary Planning Document refers to the general rules in relation to outbuildings, and its states:

*“Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building”*

Outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene;

- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house and follow a general principle that no more than 50% of garden space should be lost.”

With regard to the detached outbuilding, although the footprints in combination will be relatively large the property is set within a big plot meaning that there will be an adequate amount of garden space retained and the site will not appear cramped. Furthermore, given the large scale of the house, the single storey outbuildings will appear subservient to the scale of the original building.

The outbuilding will also be located well within the property’s boundary and due to the sites positioning off a private road the structure will not be visible from public viewpoints and it will not disrupt the street scene.

With regard to the design of the proposed outbuildings, they will have a low profile flat roof design which will match the roof form of the neighbouring outbuilding at 122 Greenfield Road. Although the materials will not match the host property (construction materials will be timber and composite cladding), these materials are considered to be sympathetic and harmonise with the host property / wider locality and given their siting within the plot it is considered it would be unreasonable of the LPA to insist upon an alternative material palette in this case.

With regards to the HVNDP, the property is a modern detached stone property within an area of mixed style properties both in age and design. Although the characteristics within the River Holme Settled Floor are traditional in design, the outbuildings would utilise these sympathetic materials and the siting of the outbuildings would ensure no adverse impact on the identified key characteristics of the landscape character area.

The outbuildings are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD), Policies 1, and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

### 3 – Impact on residential amenity:

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised, and security lighting must be appropriate, unobtrusive and energy efficient.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable

impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

3D Broad Lane is a detached property surrounded by eight residential properties to all boundaries. The first outbuilding (the home office located to the north) will be located in the northwest corner of the site and will be set in from the northern and western boundaries by 6m and 1m respectively. It is also set on a significantly lower ground level to properties with a site boundary which is defined by a wall and mature landscape planting which will act as natural screening along the boundary and therefore will not overshadow properties in these directions. With regards to overlooking although there is glazing proposed in the south and west elevations this will mostly face in the direction of the host property therefore due to this reason and reasons mentioned above it is considered that this outbuilding will not cause a significant level of overlooking.

The second outbuilding, located to the south of the property will have an extensive amount of glazing within the south and west elevations. The agent provided further detail on the separation distances to surrounding properties. They stated that the nearest neighbouring properties to this outbuilding would be located at a distance of 14.6m and 18.5m away. Further to this by considering the topography of the site in relation to surrounding development although the outbuilding would be on a higher ground level this change in ground level means that none of the ground floor of neighbouring property 120 Greenfield Road can be easily viewed from the subject property lower garden area (where the garden room would be located).

Furthermore the orientation of the nearest two properties and the proposed building is such that there is not a direct relationship between the buildings and they would be at an oblique angle to one another. As such it is concluded that given the separation distances, siting in relation to one another and topography of the site the proposed outbuilding to the south would not cause a significant level of over shadowing be unduly overbearing or lead to an unacceptable level of overlooking / loss of privacy.

With regards to noise this assessment is in regard to the proposed development being used in connection with the existing property (3d), therefore, it is considered appropriate that a condition be attached to any grant of permission that ensures the use of the outbuildings is ancillary to the existing dwelling. On the basis of the inclusion of this condition it is considered the impact of the proposal would not be significantly over and above that which the host property already has.

In order to further ensure residential amenity is protected it is considered that the roof of the new outbuilding should not be used as additional amenity space/terrace. As such a condition is recommended to ensure this is the case.

It is considered the concerns raised about use of the site for commercial holiday lets and associated noise / disturbance, can be suitably addressed through the inclusion of a condition requiring the use of the outbuildings to be ancillary to the dwelling.

Therefore, it is considered that the proposed outbuildings are acceptable in terms of residential amenity, subject to inclusion of the recommended conditions. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Policy 2 of the HVNDP, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

#### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case there are concluded to be no significant highway issues as the drive / parking arrangement is not being affected by the proposal and the proposal would not significantly intensify the use of the site (subject to condition the outbuildings are used ancillary to the host property).

Whilst the proposal would entail a level of construction work, the development is considered to be of a scale whereby it would be unreasonable of the LPA to require a construction management plan to be submitted as part of the application.

The driveway could still accommodate 2/3 cars, as such would meet the aims of Policies LP21 & LP22 of the Kirklees Local Plan with respect to parking / highway safety.

The access to the site is unadopted, and therefore a private access. Maintenance of this is a separate civil matter between the relevant land owners. It is considered that, on the basis the use remains ancillary to the host property (and this is secured by condition) it would be unreasonable of the LPA to require further measures to be undertaken in relation to maintenance of the driveway in this case given the scale of the development proposal.

It is considered the concerns raised about use of the site for commercial holiday lets, and associated impact upon the access to the site, can be suitably addressed through the inclusion of a condition requiring the use of the outbuildings to be ancillary to the dwelling.

Subject to conditions the proposal is considered to meet the requirements of the aforementioned policies.

## 5 – Other matters:

### *Climate Change –*

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible.

Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals. Policy within the HVNDP follows these principles.

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 pre-dates 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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

### *Biodiversity –*

Paragraphs within 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. Policy within the HVNDP follows these principles.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact the outbuildings would have no impact on the existing structures that may host bats. Given the scale of the proposal it is considered biodiversity mitigation measures as part of the scheme would be an unreasonable requirement in this case. Therefore, the proposal is considered to meet the aims of Chapter 15 of the National Planning Policy Framework

## 6 – Representations:

These are summarised earlier in this report, and are repeated / addressed as follows here:

- Concerns with relation to a land drain which passes across the lower part of the garden.
- When the land drain is blocked it floods neighbouring gardens.

Officer response: The site is not located within in a flood zone. It is considered that this scheme is not of a scale whereby it would be reasonable for the LPA to insist upon a scheme of surface water drainage to be submitted as part of this application. Separate legislation is in place which can control this matter.

- Do not believe that the home office would be for the intended use.
- Believe it would be used as a holiday let.
- Holiday let would cause disruptions.
- Impact from overlooking

Officer response: This matter is addressed in the 'Residential Amenity' section of this report.

- Concerns that pods may be used for habitation or rental purposes.
- Applicants will have free right of access over our privately owned driveway.
- Can conditions control use of the site / pods as well as ensure maintenance of the driveway
- What action can be taken if the use of a home office is in excess of that to be expected at a residential property

Officer response: These matters are addressed in the 'Residential Amenity' and 'Impact on Highway Safety' sections of this report.

- Concerns with regard to flood management at the site.
- Concerns that it will be used as a 'party house'.
- The pods may affect water courses which run through the site

Officer response: This matter is addressed in the 'Residential Amenity' section of this report. The site is not located within in a flood zone. It is considered that this scheme is not of a scale whereby it would be reasonable for the LPA to insist upon a scheme of surface water drainage to be submitted as part of this application. Separate legislation is in place which can control this matter.

- Concerns that the site will be used to run a business.
- Can a stipulation be that use is only for that stated in the application.
- Access to 3D is narrow, private driveway which is not suitable for more than normal domestic access.

Officer response: A condition will be attached to any grant of permission which ensures that the outbuildings will be used ancillary to the existing dwelling.

- Concerned as to what the pods will be used for.
- Worried that the front pod will case overlooking.
- Would the property be used for short term lets
- The property has been up for sale, is it still intended to be sold

Officer response: These matters are addressed in the 'Residential Amenity' and 'Impact on Highway Safety' sections of this report. In terms of sale of the property, this is a matter which cannot be afforded significant weight in the determination of this application which is assessed on the basis of the planning considerations which are applicable. A change in future occupiers of the dwelling would not be a matter which would be material to the determination of this case.

- Site is within the Green Belt it will result in a loss of green space.
- May affect mental health of local walkers.
- Would result in degrading the over used road further.
- Allowing this on Green Belt land would result in further applications.

Officer response: The site is not within the Green Belt and the nearest PROW is located over 80m away. It is considered that the outbuildings will not significantly affect walkers as the site is located in a private area at the end of a cul-de-sac and they are located well within the sites boundary. The impact upon the road is addressed in the ' 'Impact on Highway Safety' section of this report.

- Delivery of the pods will cause damage to the driveway.
- Concerns that the pods will be rented out.
- Notification of other land owners within the application site is a statutory requirement
- Both pods have kitchen / bathroom facilities
- Error on the submitted plans in relation to annotation of neighbouring properties

Officer response: These matters are addressed in the 'Residential Amenity' and 'Impact on Highway Safety' sections of this report. The application form has signed certificate b and listed all other land owners upon whom notice has been served. This is accepted in good faith by the LPA as being correct. The layout shown on the pods is considered to be such that it can be concluded, given their scale, their use would be ancillary to the host property (which would be controlled by condition). The submitted plans are considered to provide sufficient detail for the LPA to determine this application.

## 7 – 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 development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2024/93544

**Officer Recommendation:** Approve

## **Conditions:**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, to accord with Policies LP1, LP2, LP21, LP22, LP24 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls of the outbuildings hereby approved shall be constructed in timber and composite cladding which shall be retained thereafter.

**Reason:** In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted Supplementary Planning Document on House Extensions, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

4. The development hereby approved shall not be used for any purpose other than as ancillary accommodation in connection with 3D, Broad Lane, Upperthong, Holmfirth, HD9 3JS.

**Reason:** In the interests of the amenity of the occupiers of the development hereby approved and neighbouring properties and access and highway safety to accord with policies LP21, LP22 and LP24 of the Kirklees Local Plan, the Council's adopted Highway Design Guide and policies contained within chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the submitted plans the roofs of the outbuildings hereby approved shall not be used as any form of amenity space, a balcony, a raised terrace and/or a raised platform at any time.

**Reason:** To ensure that the development does not result in a loss of amenity of the adjoining property and to accord with the requirements of Policy LP24 of the Kirklees Local Plan, Principles 3 and 4 of the House Extensions and Alterations SPD, Policy 2 of the Home Valley Neighbourhood Development Plan and Policies within Chapter 12 of the NPPF.

**NOTE:** Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

**NOTE:** The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule: -

| Plan Type                  | Reference      | Version | Date Received |
|----------------------------|----------------|---------|---------------|
| Location plan              | 24/1112/01RevA | -       | 17/02/2025    |
| Existing site/block layout | 24/1112/02     | -       | 19/12/2024    |
| Garden room plans          | 24/1112/03     | -       | 19/12/2024    |
| Home office plans          | 24/1112/04     | -       | 19/12/2024    |
| Proposed site section      | 24/1112/05     | -       | 19/12/2024    |

| <b>Plan Type</b>                           | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--------------------------------------------|------------------|----------------|----------------------|
| Proposed site/block layout                 | 24/1112/06RevA   | -              | 17/02/2025           |
| Visualisation                              | 24/1112/07       | -              | 19/12/2024           |
| Surrounding site section with measurements | 24/1112/07       |                | 17/02/2025           |
| Application form                           | -                | -              | 19/12/2024           |
| Climate change statement                   | -                | -              | 19/12/2024           |

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. The agent was contacted regarding the distances between the proposed outbuildings and neighbouring properties. The agent responded with plans which showed the proposed outbuildings with relation to existing neighbours and these distances clearly measured.

**Report Dated:**

4<sup>th</sup> March 2025

Coal – low