

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2025/61/90261/E

Site Address: York House, 198, Barnsley Road, Denby Dale,
Huddersfield, HD8 8TS

Description: Reserved matters application pursuant to outline
permission 2022/91024 for demolition of existing
works and erection of residential development (2
detached dwellings)

Recommending Officer: Kerri Simpson

DECISION – APPROVAL OF RESERVED MATTERS

I hereby authorise the approval/refusal 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: 28-Aug-2025

Officer Report – 2025/90261

York House, 198, Barnsley Road, Denby Dale, Huddersfield, HD8 8TS

Site Description

The application site comprises a former light industrial premises known as York House, located on the norther side of Barnsley Road (A635), to the rear of dwellinghouse No.200 and No.202 Barnsley Road. The site measures approximately 0.181 hectares and is positioned in a semi-rural location characterized by a mixture of residential dwellings, small-scale leisure uses and open countryside.

The site currently consists of single storey building with a utilitarian appearance with an ancillary structure to the side and rear, along with a large area of hard standing used for car parking to the front. To the rear is a grassed area currently used for informal storage and car parking, bounded by dry stone walls and post-and-rail fencing. The topography is gently sloping from north to south and enclosed by a mixture of mature vegetation and boundary wall. Gated private access is attained from Barnsley Road.

The site is bounded by single storey bungalows (No.200 and No.202 Barnsley Road) to the north, open land and No.204 Barnsley Road to the east, greenfield land to the south, and a detached dwelling known as 'The Mill House' to the west. The property types and styles within the wider area vary, however it is noted that properties are predominately constructed from stone.

Description of Proposal

The Scheme

The applicant is seeking Reserved Matters approval for appearance, landscaping, layout and scale, pursuant to outline consent (2022/91024) which granted consent for the demolition of existing works and erection of residential development (3 detached dwellings), granted subject to conditions on 6th October 2022.

The proposal is for the erection of two detached two-storey dwellings constructed in natural stone under pitched slate-affect roofs. Each dwelling would include a full-height glazed entrance feature, an integral garage and roof mounted solar panels to the southern roof slopes. Each dwelling would be served with a split-level private amenity space.

Access would be taken via the private driveway off Barnsley Road (A635). Each plot would be served by its own driveway located adjacent the principal elevation of the respective dwelling. Driveways would provide for two vehicles per plot and accommodate bin storage areas. A shared bin collection point would be located near the site entrance on Barnsley Road. One visitor parking space and turning areas would be provided within the site.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- 22265d/DK Arboricultural Report and Arboricultural Impact Assessment to BS 5837:2012 (Prepared by JCA Limited) (received 04/07/2025)
- C3900/23/E/5909 Phase 1 Environmental Desk Study Report (Prepared by RGS)
- C3900/24/E/5910 Phase 2 Geo-Environmental Report (Prepared by RGS)
- 4894-R1Noise Survey Report (Prepared by Clover Acoustics)
- BG24.262 Bat Presence and Absence Surveys (Prepared by Brindle & Green)
- Climate Change Statement

History of Negotiations/ Amendments Received

The scheme was originally submitted for three dwellings, which raised concerns regarding Green Belt impact and tree constraints. Following negotiation, the scheme was amended to two dwellings, with footprints pulled outside protected tree Root Protection Areas, and a layout more sympathetic to the Green Belt and surrounding built form. Additional technical reports were also provided.

Relevant Planning History

The most relevant planning history relates to the following planning application:

2022/91024 - Outline application for demolition of existing works and erection of residential development. Granted (date 6th October 2022)

2020/94314 – Outline application for demolition of existing works and dwelling and erection of three detached dwellings. Granted.

2018/92022 – Outline application for demolition of existing works and dwelling and erection of residential development (5 dwellings). Granted.

2015/92968 – Erection of extension to existing engineering works. Granted.

2015/90695 – Outline permission for residential development. Granted.

2011/93408 – Extension to time limit to previous permission 2008/93408 for out permission. Granted.

2008/93408 – Outline application for residential development. Granted

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (2024).

The application has been publicised as a on the Council's website and by site notice. The expiry date of the publicity period was 13th March 2025.

One letter of objection was received matters were regarding:

- Impact on trees subject to a Tree Protection Order (TPO) and the position of Plot 3 in relation to tree T3.
- Type and tenure of the dwellings, noting that they would not meet a local housing need.
- Insufficient bat survey taken over one evening's observation.
- Overdevelopment of the site.
- Insufficient parking and turning area.
- Highways conflict with adjacent housing allocation site.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highways – No objection to scheme for three dwellings. The Highways team note that matters regarding access were resolved under the outline application 2022/9104, the parking and turning provisions would be acceptable and based on the submitted drawings it is not envisaged that any landscaping, boundary treatments or planting would block any vehicular sightlines or visibility splays. Conditions were recommended to ensure that any gates/barriers are appropriately set back from the carriageway, turning areas are available and vehicle/pedestrian areas have been surfaced, sealed and drained prior to occupation. Lastly, details are sought prior to commencement for the suitable storage and collection of refuse.

KC Environmental Health – They note that further details are needed to satisfy the environmental health conditions and that Conditions 5-9, 10 and 12 of application 2022/9104 remain necessary.

KC Trees – Within their initial response dated 19th February (ref: 08/17/g5) the Trees Team raised an objection, on the grounds that Plot 3 is sited too close to a protected tree (T3) which is covered by a Group TPO. The tree is a semi-mature specimen with the potential to achieve significant height and canopy spread, and its close proximity to the proposed dwelling is likely to result in future conflict, such as requests from occupiers for crown reduction or felling due to overshadowing or perceive nuisance. The layout would introduce a foreseeable long-term threat to the protected tree.

Further input from KC Trees (06.08.2025)

Following the submission of amended plans and discussions between officers and the applicant. The tree officer advised the point remains that the

proposed is in proximity to valuable trees including protected trees, which are not yet at their mature height and spread. They advise that any grant of permission would need to be subject to pre-commencement conditions including an updated AIA which is to include the utilities layout and an AMS to demonstrate how the trees will be protected throughout the development

KC Ecology – A bat survey confirmed no bats were recorded, and roosting was unlikely. Conditions were recommended to secure a sensitive lighting scheme and bat box installation.

Allocations And Policy

The site is unallocated within Kirklees Local Plan (adopted 2019).

The site falls within the following planning policy designations and constraints:

- Green Belt
- Strategic Green Infrastructure Network

The Group Tree Protection Order (I.D 08/17/g5) encompasses the eastern boundary.

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- LP 31 – Strategic Green Infrastructure Network
- LP 33 – Trees
- LP 51 – Protection and improvement of local air quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places

- Chapter 13 – Protecting Green Belt land

Supplementary Planning Documents and Guidance

Housebuilders Design Guide SPD (adopted June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended)

The Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

1 – Principle of Development

As this application relates to an application for reserved matters approval pursuant to outline consent 2022/91024 only matters relating to appearance, layout, scale and landscaping are being considered as part of this application. The principle of the development has been approved by permission 2022/91024 and it is therefore not considered necessary to re visit the principle of development as part of the consideration of this application.

2 – Impact on character and appearance of the area

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities.

Paragraphs 134 and 135 of the NPPF set out the requirements for high quality, beautiful and sustainable buildings and places. Paragraph 137 states that planning decisions should ensure developments are sympathetic to local character while not preventing innovation or change. Paragraph 140 highlights the importance of layout and building form in contributing to a strong sense of place.

Further to this, Paragraph 130 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.

Local Plan Policies LP1 and LP2 are also relevant. These policies underpin Policy LP24 and seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 of the Kirklees Local Plan requires all proposals to promote good design by ensuring layout, scale and density and appearance respects the

character of surrounding development and landscape. It also expects development to provide adequate outdoor space and be visually attractive. Policy LP59 is also relevant due to the Green Belt context as set out in the principle of development section in this report.

The Kirklees Housebuilder Design Guide SPD sets out 'Principles' and expectations for development to respond positively to topography, existing building lines, and settlement patterns. It also seeks to ensure that new development integrates well with surroundings, with appropriate spacing, layout and massing that reflects local character. Of particular relevance to this scheme:

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

Taking cues from the character of the built and natural environment within the locality.

Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.

Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, Principle 12 states parking to the front will need creative design solutions to be incorporated.

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

Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Layout and Landscaping (including Trees and Highways)

In terms of layout, the proposal comprises two detached dwellings accessed from a private driveway, with off-street parking located to the front of each plot and private amenity space to the rear (south). The dwellings would be arranged in a manner that achieves a consistent building line and an ordered frontage, while allowing for acceptable separation distances between the site boundaries and the units themselves.

The orientation of the dwellings would broadly align with the existing properties at No's 200 and 202 Barnsley Road, maintaining a coherent relationship with the established residential context. The reduction from the initially submitted three to two units ensures that the siting of the dwellings would respect the prevailing pattern of built form, avoiding the previous projection further south into the site and limiting encroachment into the more open parts of the Green Belt. As such, the scheme would achieve a more spacious and balanced arrangement, with each dwelling afforded a well-proportionated curtilage and adequate separation to preserve the sites openness.

This arrangement would integrate more successfully with the surrounding development, reflecting the established spatial grain and settlement pattern. The dwelling would be read as a logical continuation of the built edge, avoiding the perception of sprawl and minimising visual intrusion when viewed from the open countryside to the south.

The submitted site plan indicates the board arrangement of hard and soft landscaping, including private gardens and retained trees, and is considered acceptable in principle for the purposes of this Reserved Matters submission and a development on a site of this limited scale. However, the plan nor any other submission documents do not include the level of detail necessary to confirm final species selection, planting densities or boundary treatments. To ensure that the landscaping integrates appropriately with the surrounding context and provides an effective soft buffer to the remainder of the Green Belt, a condition is recommended requiring the submission and approval of a detailed landscaping scheme prior to implementation.

Tree Constraints

Policy LP33 of the Kirklees Local Plan seeks to protect and enhance existing trees, woodlands and hedgerows, particularly those of significant amenity value, and ensures that new development integrates appropriately with existing natural features. Where harm to trees is unavoidable, appropriate mitigation or compensation is required.

Paragraph 187 of the NPPF requires planning decisions to recognise the importance of trees and woodland, and to ensure that they are retained wherever possible. It expects new development to be designed to integrate existing trees appropriately, and to avoid future conflicts that could lead to their loss.

The site is bounded to the east by a Group TPO (order 08/17/g5) which protects 6 x oak, 2 x Ash, 2 x Pine, 1 x Larch and 1 x Sycamore tree which include T1, G2, T3, T9 and G10.. The submitted tree survey records, six Category B trees, and two Category B tree groups on the site, as well as one additional Category C group and one tree which is described as unfit for retention (rowan T4). The initially submitted Arboricultural Impact Assessment set out that most of the surveyed vegetation would be retained and incorporated in the landscaping of the development. However, it also set out

that the proposals require the removal of T8 (Cat B) and the removal of a section of protected tree group G2.

The Councils Tree Officer was consulted on this application, highlighting that while it may be possible to retain the protected tree (T3 – Cat B) on the eastern boundary, the proximity of the dwelling at Plot 3 could not be supported. Tree T3 is a semi-mature Sycamore that has the potential to reach heights of 20 – 30m with final crown spreads of 15m – 30m, they are also a fast-growing species. The Tree Officer raised concerns that T3, the subject of a TPO, would face pruning pressures from the future residents of Plot 3, and pressure to remove it in the longer term. As such, an objection was raised as the initially proposed layout would introduce an avoidable long-term threat to this protected tree therefore would not comply with the aims of LP33 of the Kirklees Local Plan and Paragraph 187 of the NPPF.

The Case Officer advised the applicant of the concerns raised by the Tree Officer regarding the removal of the T8 tree, the protected G2 tree group and the impact of the proposal on the protected T3 tree.

Amended plans were submitted, reducing the number of dwellings from 3 to 2, to address the issues raised. The building footprints were moved outside of the Root Protection Areas of the protected G2, T3 and T9 trees, as well as the non-protected T8 tree, with minor hard and soft landscaping works taking place in these areas. However, upon re-consultation on the amended submission, the tree officer advised that there are still concerns that the T3 protected tree on the eastern boundary could still face pruning pressure as it cannot be removed as it is offsite. Further, that T8 will likely be removed by future residents due to the proximity of the proposed dwelling to the tree. In all, the Tree Officer outlined that the proposal is in proximity to value trees including protected trees, which are not yet at their mature height and spread, a reduction in the width of the buildings would allow sufficient space between the proposed structure and the retained trees. However, no formal objection was raised to the proposal and the case officer was advised that should planning permission be granted, pre-commencement conditions should be attached to the decision to secure an updated Arboricultural Impact Assessment which includes a utilities layout and an Arboricultural Method Statement to demonstrate how the trees will be protected throughout development.

The application site contains and adjoins trees of notable amenity value, including those protected under Group TPO ref. 08/17/g5, which covers a mix of oak, ash, pine, larch and sycamore on the eastern boundary trending from Barnsley Road towards the rear of the site. The submitted Arboricultural Impact Assessment (AIA) identified the presence of two Category B tree groups and one Category C tree, alongside one Category U specimen across the site area. Of particular note is T3, a semi-mature sycamore on the eastern boundary, which has the potential to reach heights of 20-30m with a crown spread of 15-30m.

The original three dwelling scheme positioned Plot 3 in close proximity to T3. The Councils Tree Officer advised that whilst retention of T3 was achievable, its

juxtaposition with Plot 3 would introduce significant long-term pressure for pruning and potential removal, contrary to Policy LP33 of the Kirklees Local Plan. Concerns were also raised regarding the proximity of development to T8 (a non-protected tree) and the implications for parts of protected Group G2.

In response, the applicant submitted amended plans which reduced the number of dwellings from three to two. The revised layout repositions the building footprints outside the Root Protection Areas (RPAs) of G2, T3, T8 and T9, with only minor landscaping works within the very outer RPA's. Importantly T8 is to be retained, and no tree removals are required as part of the proposal. Upon re-consultation, the Tree Officer confirmed that residual concerns remain about the potential pruning pressures on T3, as it matures and removal of T8 by future occupants due to proximity, however no formal objection was maintained.

It is accepted that T3, as a fast-growing sycamore, may give rise to future management requests from residents. However, such works would be controlled by the Tree Preservation Order legislation and cannot be undertaken without separate consent from the Local Authority. It is acknowledged that T8 is a Category B tree of moderate amenity value. The proposed layout allows for its retention, although hard standing associated with Plot 1 would marginally encroach into its Root Protection Area. This encroachment is assessed by applicant's arboricultural consultant as negligible in extent. Given that the built structure of the dwelling lies outside the RPA, and the incursion relates only to a minor element of hard standing, it is considered that the proposal would not compromise the long-term health or stability of the tree, subject to appropriate construction methods secured by condition.

As recommended by the Councils Tree Officer, to ensure that the development proceeds without adverse arboricultural impacts, a pre-commencement condition is recommended to secure an updated AIA (including confirmation of utility rooting) and an Arboricultural Method Statement (AMS) to demonstrate how retained trees will be protected throughout construction.

Accordingly, subject to the imposition of these conditions, the proposal is considered to appropriately safeguard existing trees of amenity value in accordance with Policy LP33 of the Kirklees Local Plan and Paragraph 187 of the National Planning Policy Framework.

Appearance and Scale

The proposal comprises two detached dwellings of two storey scale with traditional pitched roof forms. The scale of the development is greater than the single-storey bungalows fronting Barnsley Road, and it is acknowledged that the roofscape of the proposed dwellings would be visible above these properties in public views from the north. However, the dwellings would be positioned well back from the Barnsley Road frontage, behind the existing development, on regraded topography, and would be read as part of a second tier of built form in this location. The set-back and pitched roof would reduce their prominence when viewed from the street and prevent the dwellings from

appearing as an intrusive or overbearing addition to the immediate streetscape. This approach would also ensure the dwellings integrate with the character of surrounding residential context, including the detached Mill House immediately west, avoiding a discordant increase in scale.

From the south, the site adjoining open fields and the land levels would rise approximately 3.2m above the proposed ground floor level of the dwellings. As a result, views from the wider countryside would be filtered by the higher ground at the boundary, with only the upper floor and roof profiles of the dwellings being appreciable. The pitched roof form, with mass stepping down at the eaves, would ensure that visible elements present as modest, domestic roofscape rather than an abrupt or bulky settlement edge.

Although the scale of the dwellings has been found acceptable in their submitted form, the potential cumulative effect of further additions could materially increase their size and scale leading to a loss of openness within the Green Belt and overdevelopment of the compact site. In order to control development in this sensitive context, it is recommended that a condition is attached to ensure that no development included within Classes A through E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be carried out without the prior written consent of the Local Planning Authority.

The proposed dwellings would be of simple and functional design, incorporating traditional pitched roof forms, generally regular fenestration with a contemporary central entrance feature and external materials of natural stone under slate effect tiles. The front elevations would adopt a symmetrical form with vertically aligned fenestration and a centrally positioned entrance feature, providing balance and rhythm to the dwellings. Window proportions and roof pitch would be broadly consistent with those found in neighbouring dwellings of a similar scale, thereby creating a coherent relationship with the wider built context.

Overall, the scale and appearance of the proposed dwellings would be acceptable, meeting the requirements of Policy LP24 of the Kirklees Local Plan and Paragraph 135 of the NPPF, which require development to secure good design that is sympathetic of local character.

To ensure the materials of construction and boundary treatments are acceptable conditions would be imposed requiring finalised details of these elements of the scheme to be submitted for written approval by the LPA. The finished floor and slab levels are recommended to be subject to condition to ensure they accord with the details as submitted to ensure they have an acceptable visual impact.

3. Impact on Residential Amenity

Policy LP24 of the Kirklees Local Plan requires all development to provide a high standard of amenity for future and neighbouring occupiers. This includes appropriate levels of privacy, light, outdoor space and internal living conditions.

The policy also seeks to ensure that development retains appropriate distances between buildings to avoid harmful impacts such as overshadowing and loss of privacy to neighbouring properties.

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

Paragraph 7.19 of principle 6 states that for two-storey house types there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary

Further to this, Paragraph 130 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.

The Governments Technical Housing Standards – Nationally Described Space Standard (NDSS) sets out minimum internal space requirements for new dwellings to ensure good levels of functionality and amenity for future occupiers. For a two-storey, 4-bedroom 8-person (4B8P) dwelling, the standard requires a minimum Gross Internal Area (GIA) of 124sqm.

Future Occupiers

The proposed Layout would provide each dwelling with its own private outdoor amenity space, with garden depths of approximately 18 metres and overall sizes in the range of 200 to 300 square metres. Although the gardens would be tiered, each would contain a minimum of 10 metres of level space immediately adjoining the rear elevation, comprising a mix of hard and soft landscaping. These garden areas would be proportionate to the size of the dwellings and would provide sufficient and usable private amenity space for future occupiers.

Internally, the dwellings would provide conventional family layouts across two floors, with gross internal areas and bedroom sizes exceeding the minimum requirements set out in the nationally described space standards four bedroom eight person dwellings.

In terms of privacy, there would be ground floor side facing windows serving habitable rooms at plot one, but these would face the blank elevation of Plot 2. Conversely, the ground floor side facing windows at Plot 2 would serve non habitable rooms and would face towards the eastern boundary. As such, there would be no unacceptable overlooking between dwellings. Similarly, there would be no intervisibility between first floor habitable room windows, as the only side facing first floor window at Plot 2 (serving a master bedroom) would face west towards Plot 1, where no side facing windows are proposed.

With regards to daylight, sunlight and outlook, the majority of habitable room windows would face north or south, with the two dwellings orientated parallel to one another. This arrangement would not unduly impede the availability of natural light to internal habitable rooms and outlook towards private amenity

spaces, the shared forecourt and over the roofscape of the adjacent bungalows would be achieved. It is acknowledged that the master bedroom window of Plot 2 would experience a reduced quality of outlook and direct sunlight due to its orientation. The Building Research Establishments Site layout planning for daylight and sunlight: a guide to good practice (BR209 2022 Edition) advises that bedrooms, while habitable, are less sensitive to reductions in daylight than primary living spaces such as living rooms kitchens and dining areas. In this case, the limited impact on one bedroom is offset by the good quality of light outlook and amenity provided to the other primary living spaces within the dwelling.

A Noise Impact Assessment prepared by Clover Acoustics has been submitted, identifying the A635 to the north as the dominant noise source affecting the site. Assessment found elevated noise levels for both day and nighttime periods and recommended mitigation in the form of enhanced glaze into habitable rooms facing the road, suitable ventilation, and acoustic barriers to screened garden areas.

Environmental health officers have reviewed the assessment and are satisfied that, subject to the implementation of the recommended mitigation, an acceptable standard of residential amenity can be achieved for future occupiers. Condition 12 of the outline consent requires a noise assessment to be submitted to the LPA for written approval.

Overall, while the outlook and availability of light from the master bedroom at Plot 2 would be more limited, future occupiers would continue to benefit from an acceptable standard of amenity. The dwellings as a whole would provide a good quality of accommodation with sufficient light, outlook, privacy and private outdoor amenity space, consistent with policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and the National Planning Policy Framework.

Neighbouring Occupiers

The closest residential properties are numbers 200 and 202 Barnsley Rd, located immediately to the north of the application site and both comprising single Storey bungalows. The proposed layout has been arranged to maintain a separation distance of approximately 21 metres between the rear elevation of the bungalows and the habitable room windows on the front elevation of the proposed dwellings, in accordance with the separation standards set out in the Kirklees house builders design guide SPD.

The orientation and positioning of the proposed dwellings have been designed to avoid direct overlooking, the nearest part of Plot 2 to the shared boundary is an attached garage. This would maintain a separation distance of approximately 14 metres from the neighbours to the north however it would contain no habitable room windows. Furthermore, the first floor master bedroom window at plot one which faces north, would not look towards these residential properties but instead over the site access, thereby avoiding harmful loss of privacy to neighbouring occupiers.

In terms of daylight and sunlight, the proposed dwellings would be situated to the South of the neighbouring bungalows, which raises potential for overshadowing impacts. However, site sections submitted with the application demonstrate that When assessed against the 25° guideline from the nearest habitable room windows of numbers 200 and 202, the proposed development would not infringe this line, old to the regrading of the site. As such, the proposed dwellings would not result in an unacceptable loss of light overshadowing to neighbouring properties. In addition, given the significant separation distances it is not considered that they would appear unduly overbearing.

Taken into account the separation distances, window placements and considerations for daylight and sunlight, it is considered that the proposed dwellings would not give rise to adverse impacts on privacy, light, or general residential amenity of neighbouring occupiers. The scheme therefore complies with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

The finished floor and slab levels are recommended to be subject to condition to ensure they accord with the details as submitted to ensure they have an acceptable impact upon residential amenity.

4. Impact on Highway Safety

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

Internal Access and Parking Provision

Policy LP21 seeks to ensure that new development does not adversely impact highway safety or the efficient operation of the road network. It requires proposals to demonstrate safe and suitable access for all users, adequate

parking provision, and integration with sustainable travel opportunities, in accordance with the Councils adopted highways design guidance.

Chapter 9 of the NPPF promotes sustainable transport by encouraging development that supports walking, cycling, public transport, and safe, accessible movement for all users.

Each dwelling would benefit from four off-street parking spaces, comprising two spaces within an integral garage and two external spaces located on the shared forecourt. This level of provision exceeds the Kirklees Highway Design Guide requirements for dwellings of this scale and ensures ample capacity for resident and visitor parking within the site.

The forecourt arrangement would provide sufficient space for vehicles to turn within the site, allowing cars to enter and exit in forward gear. While occasional shunt manoeuvres may be necessary, this would occur wholly within a low traffic, private forecourt and does not represent an unacceptable highway impact. Parking bays and garages would meet the minimum dimensional requirements set out in the Highways Design Guide SPD, ensuring they are usable parking spaces.

In addition, a dedicated visitor parking space is provided sufficient for two dwellings, and bin presentation areas are identified adjacent to the highway frontage, enabling refuse collection without obstruction to vehicle manoeuvring or the wider highway network.

Subject to conditions to ensure the parking and turning areas are laid and bin storage/ collection point are present prior to the first occupation of the dwellings, the scheme is considered to comply with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the NPPF in respect of highway safety, access and parking provision.

5. Biodiversity and Ecology

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

The associated outline permission was granted prior to the mandatory BNG requirements introduced by the Environment Act 2021, which came into force for small sites in April 2024. As such, the current reserved matters application is not required to demonstrate a minimum 10% BNG uplift.

The Council's Ecology Officer has reviewed the submission and confirmed that a Preliminary Roost Assessment submitted at the outline stage, identified low bat roost potential across buildings on the site, with no bats found to be emerging. Consequently, no roosting was recorded. The applicant would be expected to address conditions 13 – 15 of the associated outline application (2022/91024) in the interests of biodiversity and are consistent with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6. Pollution Control

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Paragraphs 196 and 197 of the NPPF (December 2024) require planning decisions to ensure that a site is suitable for its proposed use, taking account of any risks arising from contamination. Where a site is affected by contamination, responsibility for securing a safe developments rest with the developer and/or landowner. National Policy also requires that adequate site investigation information is presented to demonstrate that the site is suitable for the proposed development, or can be made so, through appropriate remediation.

Policy LP53 of the Kirklees Local Plan requires proposals on land that is known or suspected to be contaminated to be accompanied by appropriate assessments. This includes a Phase I Desk Study, and where necessary, an intrusive site investigation and remediation strategy to ensure the land can be safely developed and occupied.

The associated outline application included conditions 5 – 9 relating to land contamination. A phase one and two site investigation has been submitted in support of the application. The reports confirm that a suite of ground investigations and chemical testing has been undertaken across the site. While some contaminants were detected, these were all below relevant soil screening values and the site is considered to present a lower risk in respect of contamination. No asbestos was identified in any samples tested, and no credible sources of ground gas risk were recorded. The overall conceptual site model therefore concludes that no specific remediation measures are required to make the site suitable for residential use.

The Councils Environmental Health Team were consulted on the submitted details raising no objection and recommended compliance conditions. However, this reserved matters application relates to those not considered as part of the outline application. The applicant would be expected to discharge conditions 5 – 9 of application 2022/91024 accordingly in order to ensure that

the site is made safe and suitable for its intended use in accordance with Policy LP 53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the NPPF.

7. Climate Change

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

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

A Climate Change Statement has been submitted which outlines several broad measures intended to minimise environmental impact. These include the use of low energy lighting, zonal heating systems, water-saving features such as aerated taps and water butts, and the use of recyclable and locally sourced materials where possible.

Of particular note, the submitted plans indicate the installation of solar panels to the rear elevations of each dwelling. This is welcomed and represents a tangible contribution to the Council's climate change objectives.

Given the nature of the development as minor residential development, it is considered that the climate change mitigation measures proposed would be proportionate and acceptable in this instance, as such, it is considered the proposal would comply with Policies LP26 and LP51 of the Kirklees Local Plan and paragraph 161 of the NPPF.

8. Other Matters

Pre-commencement Conditions

The proposed development requires a number of pre-commencement conditions. In accordance with the requirements of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant

has been notified of these conditions and confirmed agreement to their imposition on Tuesday 19th August 2025 via email.

9. Representations

One letter of objection was received, raising concerns regarding the impact on trees, overdevelopment, ecological matters and highways safety. These matters are addressed as follows:

- **Impact on trees:** The proposal has been amended since submission to reduce the number of dwellings and pull the building footprints out of the RPA of protected trees, with any encroachment from hard standing demonstrated as negligible. Pre-commencement conditions requiring an updated Arboricultural Impact Assessment and Method Statement will ensure trees are appropriately protected during construction.
- **Type and tenure of the dwellings:** The comment regarding tenure and type is not a material planning consideration for a minor residential development of this scale. The application seeks approval for two market dwellings and no specific requirements for tenure apply in this context. The principle of residential development was established under the previous outline permission.
- **Insufficient Bat Survey:** The impact of the development upon bats cannot be revisited at the reserved matters stage and was considered as part of the outline application. This is covered by conditions 13 – 15 of the outline consent.
- **Overdevelopment of the site:** The reduction from three to two dwellings has resulting in a policy compliant scheme. The density of the development is modest and is not considered excessive when viewed in the context of surrounding built form.
- **Highways conflict with adjacent housing allocation:** The site would be served by the access arrangement permitted at outline, which sought to serve up to five dwellings. The scale of traffic associated with two dwellings is limited. Highways Development have raised no objection, and the proposal would not conflict nor prejudice the delivery of the adjacent allocation.

All matters have been comprehensively assessed in the body of this report.

10. 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 the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/90261

Officer Recommendation: APPROVE

Conditions

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP21, LP22, LP24, LP30, LP31, LP33, LP51, LP52, LP53 and LP59 of the Kirklees Local Plan, Principles 2, 3, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17 and 19 in the Council's Housebuilders Design Guide SPD, and the policies within Chapters 2, 12 and 13 of the National Planning Policy Framework.
2. No development shall commence until an updated Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. The AIA shall include the routing of all utilities to ensure they can be provided without encroachment into the Root Protection Area (RPAs) of retained trees. The development shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of protecting trees of a high amenity value, including those subject to Tree Preservation Orders, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
3. No development shall commence until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall demonstrate how retained trees will be protected throughout the development. The development thereafter shall be carried out in accordance with the approved AMS.
Reason: To protect retained trees during construction, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
4. No development shall take place above slab level until a scheme which details all external walling and roofing materials of the dwellings hereby

approved is submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until it is completed in accordance with the approved scheme which shall be thereafter retained.

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

5. No development shall take place above slab level until, a detailed scheme of landscaping (including hard and soft landscaping, boundary treatments, planting plans with species, numbers, and planting sizes, and a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable and retained thereafter.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping is achieved in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

6. Before any dwelling is occupied, a turning area shall be clearly marked on drawing No (100)02 and then be provided in accordance with the details shown the approved drawing. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use. **Reason:** In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, to avoid overdevelopment and to safeguard the openness of the Green Belt, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

8. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity of neighbouring occupiers, visual amenity and to preserve the openness of the Green Belt to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's

adopted Housebuilders Design Guide SPD and Policies within Chapters 12 & 13 of the National Planning Policy Framework.

9. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing (100)06. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

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

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

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays. In order to safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the NPPF and LP52 of the Local Plan.

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

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Highways Asset Management Team at vehicle.crossing@kirklees.gov.uk with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|--|------------------|----------------|----------------------|
| Location Plan | LOC | A | 31/01/2025 |
| Existing Site Plan | (100)01 | - | 04/02/2025 |
| Proposed Site Plan | (100)02 | - | 22/07/2025 |
| Plot 1 Ground and First Floor Plans | (100)03 | - | 26/06/2025 |
| Plot 1 Elevations as Proposed | (100)04 | - | 26/06/2025 |
| Plot 2 Ground and First Floor Plans | (100)05 | - | 26/06/2025 |
| Plot 2 Elevations as Proposed | (100)08 | - | 26/06/2025 |
| Site Sections | (100)06 | - | 26/06/2025 |
| Arboricultural Report and Arboricultural Impact Assessment to BS 5837:2012 | 22265d/DK | - | 04/07/2025 |
| Phase 1 Environmental Desk Study Report | C3900/23/E/5909 | - | 26/06/2025 |
| Phase 2 Geo-Environmental Report | C3900/24/E/5910 | - | 31/01/2025 |
| Noise Survey Report | 4894-R1 | - | 14/03/2025 |
| Bat Presence and Absence Surveys | BG24.262 | - | 31/01/2025 |
| Climate Change Statement | | - | 31/01/2025 |

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 2024 and otherwise actively engaged with the applicant in dealing with the application. The scheme was originally submitted for three dwellings, which raised concerns regarding Green Belt impact and tree constraints. Following negotiation, the scheme was amended to two dwellings, with footprints pulled outside protected tree Root Protection Areas,

and a layout more sympathetic to the Green Belt and surrounding built form.
Additional technical reports were also provided.

Report Dated:

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|------------------------------|
| 26 th August 2025 |
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