

**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: | 2025/62/90414/E |
| Site Address: | Land adjacent, 38, Upper Road, Batley Carr, Dewsbury WF17 7LT |
| Description: | Erection of one dwelling |
| Recommending Officer: | Edward Cheseldine |

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.

Emma Thompson

AUTHORISED OFFICER

Date: 19-Jun-25

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Officer Report

2025/90414 - Land adjacent, 38, Upper Road, Batley Carr, Dewsbury WF17 7LT

Site Description

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

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

Holy Trinity Church List Description:

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

Description Proposal

The applicant is seeking planning permission for the erection of a dwelling. The dwelling would be one storey in height, 4.00m(w) x 11.70m(l) with an eaves height of 2.30m and a ridgeline height of 4.00m. The building will be constructed with stone external walls and smooth grey roof tiles. It will have a rectangular footprint with a mono-pitched roof.

A car parking space will be set in front of the property. Access onto Upper Road will be through an existing shared access driveway/parking area. Outdoor space will be formed to the rear of the property.

Amendments/Negotiations

The applicant was asked to provide visibility sight lines for the access onto Upper Road, bin storage details and include architectural features on the building.

Public Representation

The application was advertised by way of a site notice and a press notice.

Site notice expiry: 25-Apr-2025

Press notice expiry: 03-May-2025

As a result of the publicity, there was no public representation.

Consultation Responses

KC Environmental Health – Informal consultation. No objection, subject to a cautionary condition that if ground contamination is encountered during the groundworks.

KC Highways – No objection, following the submission of visibility sight lines and bin storage details.

Relevant Planning History

2024/93001 – Erection of one dwelling - Refused

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

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

Boundary Treatments

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

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

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

Condition 4 on boundary fencing not discharged.

Policy & Legislation

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

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

Kirklees Local Plan (LP):

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

National Policies and Guidance

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

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport

- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 15** – Conserving and Enhancing the Historic Environment

Other Material Considerations

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

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) Conclusion

Principle of development

Sustainable Development

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

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

The site is unallocated on the KLP Policies Map. Although the site is near the grade II listed Holy Trinity Church. Policy LP2 states that:

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

Historic Environment

The site is located to the west of Holy Trinity Church which is a grade II listed building.

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

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

Application 2024/93001 was for a 1.5 storey dwelling, it was refused due to the impact it would have on the visibility of Holy Trinity Church by obstructing important vistas from Upper Road, whilst enclosing the listed building's surrounding due to the continuation of development.

The application is for a similar design to the side extension approved under 2020/90923, being in a similar footprint and height and significant weight is afforded to that permission. Given the low form of the dwelling, the church would still be visible when travelling westbound along Upper Road, therefore contributing to the streetscene.

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

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

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

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

In terms of the impact of the proposed development, due to the height and roof form of the proposed building, the listed building when travelling eastbound along Upper Road would remain visible. As the proposed dwelling is single-storey views of the church would be protected therefore the social and visual benefits of the listed building would still remain, preserving its visual presence and setting.

Paragraph 212 of the NPPF states that:

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

Paragraph 214 goes on to state that:

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

The applicant has not submitted a Design and Access Statement or a Heritage Impact Assessment.

Given the single-storey form of the building, the visual presence of the listed building will not be impacted, therefore the development is not considered to amount to harm that would to the significance of the heritage asset.

To this regard, permitted development rights class AA (additional stories) will be removed from the dwellinghouse, to preserve the setting of the listed building.

New Dwellings

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.’

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

Impact on Visual Amenity

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

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

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

LP24 states that proposals should promote good design by ensuring:

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

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

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

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

Characteristics of the building group within the immediate vicinity of the property are formed through the two-storey rectangular appearance of the dwellings and the spatial pattern of the surrounding streets including undeveloped land on corner plots. Dwellings are two-storey in height, most of which are modern terrace type properties or flats in blocks of 2. The grade II listed building rests to the east of the site.

The application dwelling would be a 1-storey dwelling, which is placed in a position to the adjacent dwelling in terms of forward and rearward projection. There is a spatial pattern within the immediate section of Upper Road, with dwellings set away from the main street and spacious borders which provides an open character to the area. The proposed dwelling will be positioned on the end of the terrace row. Currently there is a 7.10m space to the side of the property, which will be reduced to 3.10m. The building has a low form therefore the perception of space is retained whilst preserving the visibility of Holy Trinity Church. For these reasons, the dwelling complies with Principle 2 of the Kirklees Housebuilders Design Guide SPD.

A sense of space to the boundary with the public footpath should be retained to preserve the character of the area. Development will encroach upon this space at this particular point on Upper Road. Further encroachment could harm the character of Upper Road, therefore permitted development Class A (enlargement, improvement or alterations) will be removed from the dwellinghouse.

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

The building is set down from the adjoining dwelling, it is single storey attached to a row of two-storey dwellings. There are no other buildings in the immediate vicinity with a similar appearance. The dwelling will appear as a modest addition to the building row. Whilst its appearance within the building row will be distinct, given its similar materials and footprint to the terrace row, it will present a coherence within the building row.

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

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

The materials will be reconstituted stone and concrete roof tiles, matching the appearance of the adjoining terrace row, which will be conditioned.

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.

The openings and design features found within the dwelling are simplistic. A bay window will be installed within the front elevation. One set of patio windows will appear on the side and one on the rear. Given the simplicity of the design, the dwelling will appear pedestrian in nature and is acceptable in terms of Principle 14.

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

In terms of roofline, a mono-pitched roof has been chosen. It will appear as an extension of the building group and is acceptable in this instance.

The dwelling is therefore acceptable in complying with Principle 2, 5, 13, 14 & 15 of the Kirklees Housebuilders Supplementary Planning Document, Policy LP 24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework when assessing the impact to visual amenity.

Impact on Residential Amenity

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

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

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

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

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and

- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

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

Impact on 38 Upper Road

38 Upper Road is the adjoining residential building. In terms of privacy, there is currently a side elevation window on the existing property, which lights an ensuite. It is obscurely glazed therefore its outlook will not impact upon privacy.

There will be rear facing windows with a view towards the outdoor amenity space of No.38. Whilst the boundary treatments of plot No. 38 Upper Road have not been discharged, it is considered that a separational boundary treatment between the two plots to introduce privacy would be acceptable. Therefore, it will be conditioned that details of boundary treatments are submitted in writing to provide a suitable level of privacy for neighbouring occupiers.

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

Amenity of Future Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”* *“The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”*

Internal space standards are outlined within the Nationally Described Space Standard (NDSS). Space standards indicate a 1 storey dwelling with 1 bedroom requires a minimum internal floorspace of 39m². Total area calculations have not been provided by the planning agent, from officer calculations the internal floor space of the proposed dwelling measures 41.10m², meeting the requirements.

Double bedrooms must be at least 11.5m² with the first been a width of 2.75m. The 'bedroom' indicated on the plans is 11.60m² and is 3.60m wide according with NDSS.

The National Standards were brought in to improve housing standards, whilst the internal floorspace complies it could not be classed as spacious or generous.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. The bedroom includes a window on the west facing elevation. Plans indicate internal storage, however a double bed has not been illustrated on plans. The bedroom has a rectangular footprint providing functionable space and allows a natural flow of light due to the bay window. The space would allow for a double bed, with a sufficient amount of furniture in the room allowing for a small walkway.

Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

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

The application therefore meets the requirements relating to amenity set out within LP24b of the Kirklees Local Plan, Principle 6, 16 & 17 of the Kirklees Housebuilders Supplementary Planning Document, paragraph 135 of the Nationally Planning Policy Framework and Nationally Described Space Standards.

It is noted a fence has been erected to the south of the site which does not have permission. There have been 3 applications to discharge the condition relating to the boundary treatment which have been refused. It will be conditioned that boundary fencing details are submitted to ensure privacy, a suitable impact to the significance of listed building (LP35) and streetscene (LP24), and to ensure a safe impact for vehicles merging onto Upper Road (LP21).

Impact on Highway Safety

Paragraph 116 of the NPPF states that: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

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

Policy LP22 relates to suitable parking for new developments.

The application proposes a single parking space which sits in front of the application dwelling. The Kirklees Highways Design Guide SPD stipulates a 1 bedroom dwelling should have 1 off-street parking spaces, which the development accords with. The dwelling is positioned close to the designated parking space. Development may encroach this space, removing the ability to park and removing the shared access. Given the proximity to the space, permitted development rights Class D (porches) will be removed from the dwellinghouse.

Visibility splays for access onto Upper Road have been provided indicating 2.3m x 43m sight lines would be retained.

In addition, bins would be stored in an existing designated area on the other side of the road, which would be away from the highway.

There is currently a ramped access adjacent to the proposed parking space. The applicant will be required to contact Kirklees Highways team to make 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). An informative note will be attached to the decision notice.

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

Environmental Matters

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

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

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

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

It is noted that the dwellings are single-storey with the main elevations being below 4.00m. Considering this, bird and bat boxes would not be located at suitable heights for animal occupancy.

Contaminated Land

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

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

Construction Site Working Times

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

Electric Vehicle Charging Points

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low

Emissions Strategy Group, therefore a secondary planning condition is not necessary.

Carbon Budget

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

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.

The five-year housing land supply position for Kirklees is afforded weight in the consideration of development of the site. There are limited benefits in the provision of one new dwelling when set against housing targets, however there is still a benefit to one additional dwelling. When affording weight to the approved extension and given the limited harm to the streetscene, and designated heritage asset, alongside the acceptable impact to residential amenity, highway safety and environmental matters, the development is, on balance, acceptable.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed 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.
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, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP30, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. The dwelling shall be constructed reconstituted stone and concrete roof tiles as drawing details shown in grouped plans RevC received 30/05/2025. The materials shall in all respects match the appearance of the adjoining dwelling.

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.

4. 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 development included within Class A, AA and D 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 protecting the setting of the grade II listed Holy Trinity Church, visual amenity of the area and highway safety in accordance with the requirements of Policy LP21, LP22, LP24, LP35 of the Kirklees Local Plan, Chapters 8, 19 and 16 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide Supplementary Planning Document.

5. Prior to occupation of the dwellinghouse, a scheme detailing the materials, height and location of boundary treatments shall be submitted to the Local Planning Authority and approved in writing. The approved scheme shall thereafter be satisfactorily retained at all times.

Reason: In the interests of protecting the setting of the grade II listed Holy Trinity Church, visual amenity of the area and highway safety in accordance with the requirements of Policy LP21, LP22, LP24, LP35 of the Kirklees Local Plan, Chapters 8, 19 and 16 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide Supplementary Planning Document.

6. If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

7. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on grouped plans rev C received 30/05/2025 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.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|-----------|-----------|---------|---------------|
|-----------|-----------|---------|---------------|

| | | | |
|------------------------------|---|------|------------------|
| Location plan / block plan | - | - | 14 February 2025 |
| Grouped plans and elevations | - | RevC | 30 May 2025 |
| Access visibility splay plan | - | - | 03 June 2025 |
| Planning statement | - | - | 14 February 2025 |
| Climate change statement | - | - | 14 February 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 applicant was asked to provide visibility sight lines for the access onto Upper Road, bin storage details and include architectural features on the building.