

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2025/62/90567/E</b>
Site Address:	107, Latham Lane, Gomersal, Cleckheaton, BD19 4AP
Description:	Formation of new vehicular access
Recommending Officer:	Elenya Jackson

**DECISION - REFUSE**

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

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 28-Apr-2025**

## OFFICER REPORT

### Site Description

107, Latham Lane, Gomersal, Cleckheaton, BD19 4AP is a two-storey semi-detached dwelling which features a rendered finish. The property currently benefits from a garage to the south of the application property and areas of amenity space to the front and rear.

The dwellings which form the street scene are not similar in appearance, scale or material palette. However, the wider area is located within a conservation area and the site is located opposite a Listed Building. The area is predominantly residential in nature.

### Description of Proposal

This application seeks permission for the formation of vehicular access to the rear of the application property. The formation of the driveway would provide off-street parking provision for one vehicle.

### Relevant Planning History

2012/90242: Erection of replacement boundary wall. Approved

### History of Negotiations

No alterations were requested during the course of the application.

### Representations

The application was advertised by site and press notice which expired on 24 .04.2025.

No representations have been received as a result of site publicity.

### Consultation Responses

KC Highways DM were informally consulted on the application due to the property being located on an adopted highway. It was the highways officer's recommendation that the access gates would need to be set back in the plot by 2.4m and visibility splays shown. However, it was considered that acceptable visibility splays would not be able to be obtained in this instance due to the location of the host dwelling and vegetation outside of the applicant's ownership.

Therefore, the KC Highways Officer would object to the proposal.

### Policy

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. 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.

#### Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and Access
- **LP 22** Parking
- **LP 24** – Design
- **LP35**– Historic Environment

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

#### 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, and 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 12 – Achieving well-designed places
- Chapter 15- Conserving and enhancing the historic environment

#### Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety

- 4) Other matters
- 5) Representations
- 6) Conclusion

#### 1) Principle of development

The site is without notation of the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to the property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

There is a Listed Building immediately opposite the site; however, as the alterations are for a vehicular access, in this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

#### 2) Impact on visual amenity

Key Design Principle 1 of the House Extensions and Alterations supplementary planning document (SPD) state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes onto state that extensions should not dominate or be larger than the original dwellinghouse and should be in keeping with the existing building in terms of scale, materials, and details.

The formation of a vehicular access would not result in the addition of any projection or increases in height. However, the access is facilitated by removing the boundary wall and amenity space to the rear of the property with the formation of hard standing to create the parking provision.

The removal of the wall will alter the appearance of the site. Its removal to provide parking is similar to existing works that can be found within the street scene and as such is not out of character. There is a Listed Building opposite the site; however, officers consider that the creation of a vehicular access would have no impact on the significance of a Listed Building and therefore no public benefits are required to be demonstrated in this instance.

Due to the character of the area, it is considered that the development can be supported from a visual amenity perspective.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale, and layout.

#### 3) Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24

(c), which sets out that proposal should promote good design by, amongst other things, minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect of Key Design Principle 3 on privacy, Key Design Principal of overshadowing/loss of light, Key Design Principal 6 on preventing overbearing impact and Key Design Principal 7 for outdoor space.

The proposal would create a vehicular access for an existing dwelling.

As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

#### 4) Impact on highway safety

The proposal would not see the addition of any further bedrooms but would see the alteration to access and parking provision. It is proposed that the amenity space located to the rear of the property would become parking provision for the property, creating a single off-street parking space.

The application has been reviewed by KC Highways and cannot be supported as sufficient visibility splays cannot be provided on site. This is due to the location of the host dwelling and the presence of vegetation which is outside of the applicant's ownership.

Therefore, the proposed development is considered to result potential harm in terms of highway safety and as such, fails to comply with Policy LP21 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

#### 5) Other matters

##### *Carbon Budget*

The proposal is a small-scale development to an existing dwelling. 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.

#### 6) Representations

None received.

#### 8) Conclusion

The application for the formation of vehicular access at 107, Latham Lane, Gomersal, Cleckheaton, BD19 4AP has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation REFUSE**

**Decision Authorisation – Delegated Powers**

**Application Number:** 2025/90567

**Officer Recommendation:** REFUSE

**Reason:**

1. The proposal would fail to provide adequate visibility splays for access onto an adopted highway, and as such, has the potential to have a detrimental impact on highway safety, contrary to Policy LP21 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
<b>Location Plan</b>			3.03.2025
<b>Grouped Plans and Elevations</b>	25/37		3.03.2025

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No alterations have been sought as the required visibility splays are not possible on site.