# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

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| Reference No: | **2025/62/90753/W** |
| Site Address: | 50, Birkby Lodge Road, Birkby, Huddersfield, HD2 2BG |
| Description: | Removal of stone pillars (within a Conservation Area) |
| Recommending Officer: | Joshua Merriman |

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 22-May-2025**

**Officer Report – 2025/90753**

## Site Description

The application site refers to 50, Birkby Lodge Road, Birkby, Huddersfield, a two-storey semi-detached property faced in render with a pitched, tiled gable roof, and black uPVC windows and doors lying on PRoW HUD/346/10. The application dwelling lies in a relatively varied street scene, being surrounded by properties of varying sizes, scales, characters, ages, and appearances. Furthermore, the dwelling benefits from a large hard-standing driveway area to the front and side, as well as garden space to the rear. The application dwelling has also erected single storey front and side extensions under previous permission 2023/90775.

## Description of Proposal

*The Scheme*

The application is seeking planning permission for removal of stone pillars (within a Conservation Area).

*Supporting Information*

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

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- Climate Change Statement
- Design and Access Statement

During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

- 13/05/2025 – Proposed Site/Block Layout (2224 50 05)
- 13/05/2025 – Proposed Site/Block Layout (2224 50 06)

## History of Negotiations / Amendments Received

Amendments were requested regarding the ability to keep the stone pillars and re-site them, rather than remove them entirely. Following consultations with KC Conservation & Design and negotiations with the applicant, amended plans were submitted detailing the re-siting of the pillars with alterations to the boundary walls.

## Relevant Planning History

The most relevant planning history relates to the following planning applications

2022/92695 – Work to trees within a conservation area – Part Granted/Part Refused.

2022/93482 – Work to trees within a conservation area – Granted.

2022/93759 – Erection of single storey front and side extension and formation of vehicular access (within a Conservation Area) – Refused.

- The proposal, by virtue of its prominent siting, large size and scale, and design, would result in a development that is not subservient to the host dwelling nor would it harmonise with the existing dwelling or the wider character and appearance of the area. Instead, the proposal would result in an extension that would compete in prominence with the dwelling and would constitute a visually jarring feature in the locality, thereby causing detrimental harm to the visual amenities of the host dwelling and wider locality, as well as less than substantial harm to the significance of the Birkby Conservation Area. Additional harm would be caused to the Birkby Conservation Area by virtue of the partial removal of the stone wall to the front of the site and the removal of part of the front garden which adds to the verdant character of the area. No public benefits have been demonstrated to outweigh this identified less than substantial harm to the conservation area.

- The proposed extension, by virtue of its close proximity to No.52 Birkby Lodge Road, scale and design, would result in undue harm to the amenity of No.52 in terms of loss of light, overshadowing and being oppressive and overbearing.

- The application provides insufficient information to determine the impact upon the protected Ash Tree to the front (east) of the site as a result of the proposed development. This is because the proposed scheme fails to consider the protected Ash tree or its root protection area and the application fails to provide details on acceptable driveway design which would avoid any tree root damage or ground compaction.

2023/90775 – Erection of single storey front and side extension (within a Conservation Area) – Conditional Full Permission.

2023/92266 – Demolition of part of boundary wall to create entrance for off street parking (within a Conservation Area) – Conditional Full Permission.

2024/90079 – Discharge condition 5 (arboricultural method statement) on previous permission 2023/92266 for demolition of part of boundary wall to create entrance for off street parking (within a Conservation Area).

2024/90785 – Work to tree in CA – Granted.

**Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as affecting the setting of a conservation area, and affecting the setting of a public right of way on the Council's website, by site notice, and by press advertisement. The expiry date of the publicity period was 11/05/2025.

The amended details to retain the pillars were not subject to re-consultation due to the nature of the alteration. No individual has been prejudiced by this and all comments received have been assessed and taken into account in the consideration of the application.

A total of 25 representations have been received regarding the application, 13 in support, and 12 in objection.

*Letters of Objection*

The following summarized objections have been received:

- The use of the PRoW as a drive has already led to several near misses due to it being extensively used as a route for school children, and the removal of the pillars would only increase the potential speed of vehicles entering the PRoW.

*Officer Comments: This matter will be covered in more detail in the 'Impact on Highway Safety' section of this report. However, it is noted that KC Highways have assessed the use of the PRoW as a driveway under previous permission 2023/92266, and as part of this assessed, the safety of Prow users.*

- If the pillars are removed poorly there is a high probability of water ingress to the foundations of the wall, resulting in its potential collapse which poses a risk to life.

*Officer Comments: This does not constitute a material planning matter related to this application.*

- Such works would result in the PRoW being unusable during the removal of the pillars.

*Officer Comments: This does not constitute a material planning matter related to this application.*

- Who will benefit from the financial gains of the sale of the pillars, as if it is the residents rather than the council or community this is unacceptable.

*Officer Comments: This is not a material planning matter. Notwithstanding this, amended plans have been received whereby the pillars are now proposed to be retained on the application site.*

- The works carried out around the property have already been extensive with excessive noise, removal of trees and possible impact to protected bats that reside in the adjoining community gardens.

*Officer Comments: The noise of work carried out on the property is not considered to be a planning matter related to this planning application. Furthermore, the potential impact on protected bats residing in the area will be covered in more detail in the 'Impact upon Ecology' section within this report with an informative note added detailing the steps to take in the event of bats being discovered on site.*

- The work already done on the side of the PRoW should be assessed before a decision is made as it is extremely shoddy, and this gives no confidence that any further work would be carried out sympathetically.

*Officer Comments: Following consultations with KC Conservation & Design, conditions are recommended to be attached to any decision to ensure any works are sympathetic to the Birkby Conservation Area.*

- The gateposts are a historic feature of the local area – removal of them will have a detrimental effect on the character of the area. Their existence enhances the entrance of this well-used pathway.

*Officer Comments: Following negotiations with the applicant, the pillars will now be retained and re-sited rather than entirely removed, ensuring the historic feature of the local area is retained.*

- The applicant has already carried out work (under a prior planning application) to create access to a driveway on the property. This is being used and therefore I do not see why there is a need to widen the access point further.

*Officer Comments: Each application has to be assessed against their own merits and the re-positioning of the posts is considered to be acceptable.*

- With reference to the previous planning application granted to permit use of the footpath as a driveway - the works that were carried out deviated from that detailed within the submitted application. Materials used do not fit with the character of the local area and additional lighting has been installed - this leaves me with little confidence that if granted, works would be carried out with the required level of sensitivity and consideration for the conservation status of the area.

*Officer Comments: Each application is assessed on its own merit; therefore, any potential breaches of previous permission cannot be factored into the determination of a future planning application. If there are concerns regarding*

*a previous permission not being carried out in complete accordance with the submitted plans, a complaint can be submitted to KC Enforcement who will investigate the matter.*

- It is stated on the Parking section of the application from that the "Proposed works will affect existing car parking arrangements by creating two off street parking spaces". This is evidently untrue because, as can be seen on a daily basis, the drive to No.50 is currently fully accessible and is already being used for parking large cars.

*Officer Comments: The parking provision at the dwelling will be covered in more detail in the 'Impact on Highway Safety' section of this report.*

- The stone gateposts are old and therefore historically important. They are an attractive example of local stone carving skills and include interesting remains of the original ironwork and fittings. Because they are located within the Birkby Conservation area, I strongly believe that they must be protected to maintain the history and character of the conservation area. I can see absolutely no justification for the statement made in the conclusion of the heritage statement that accompanies the application that the gatepost removal will support "the preservation of the site's architectural heritage"

*Officer Comments: Following negotiations with the applicant, the pillars will now be retained and re-sited rather than entirely removed, ensuring the historic feature of the local area is retained.*

- The removal of the gate posts will effect the appearance of the site, leaving unweathered and exposed areas that won't fit in with the rest of the area.

*Officer Comments: Following negotiations with the applicant, the pillars will now be retained and re-sited rather than entirely removed, ensuring the historic feature of the local area is retained.*

- The plans clearly show that the gateposts form part of the curb, removing them will allow and encourage driving on the curb, adversely impacting highway safety for pedestrians on a busy school route.

*Officer Comments: Following negotiations with the applicant, the pillars will now be retained and re-sited rather than entirely removed, no longer providing the extra space for curb parking in that specific area to be facilitated.*

- The posts are not part of land owned by the developer and so any action would necessarily affect neighbouring properties. Previous works have also caused harm and damage to neighbouring properties.

*Officer Comments: Although the amended plans received are now proposing to retain the pillars, the consent required from neighbouring properties is not considered to be a planning matter but a civil matter.*

- Has Kirklees Council seen proof that that part of the footpath (and therefore the gate posts) is actually owned by the owners of number 50 Birkby Lodge Road? I would have expected it to be owned by the council, as is the Birkby Community Wildlife Garden and presumably the rest of the public right of way. I ask partly because number 50 has already taken some Kirklees land to the rear of the cottage.

*Officer Comment: This is not considered to be a planning matter, but rather a civil matter. All relevant ownership information has been submitted with the application and taken in good faith.*

- The applicant's "Design and Access Statement and Heritage Statement" is wrong to state that "The removal of the two damaged stone pillars is a practical and necessary intervention to enhance vehicular access and safety for the property at number 50, Birkby Lodge Road".

*Officer Comment: Following negotiations with the applicant it has been concluded that the pillars can be re-sited, rather than removed, to achieve an increase in the driveway width as well as maintain the character of the local area.*

- There is no reason for the current applicant to remove the gateposts and disingenuous to claim that removing historical structures in any way enhances the historic environment.

*Officer Comments: Following negotiations with the applicant, the pillars will now be retained and re-sited rather than entirely removed, ensuring the historic feature of the local area is retained.*

*Letters of Support*

The following summarized supporting comments have been received:

- Removal of the pillars means it would be easier to drive into the property grounds without disruption and danger to other traffic.

*Officer Comment: This is noted and will be explored in more detail within the 'Impact on Highway Safety' section of this report*

- The applicants are very sympathetic to preserving the area and would not have asked to remove these pillars if it wasn't necessary.

*Officer Comment: Following negotiations with the applicant, a compromise has been reached in which the pillars are retained.*

- It is worth noting that the pillars are now damaged and unsightly. Their removal would not only improve access and visibility for drivers but would also significantly enhance the appearance of the property and surrounding area.

*Officer Comment: As amended plans have been submitted to re-site and retain the pillars this supporting comment is no longer considered to hold weight.*

- The pillars serve no purpose to the area.

*Officer Comment: After consultations with KC Conservation & Design, the case officer sought it necessary to maintain the pillars as they are integral to the character of the local area and Birkby Conservation Area, therefore, the submitted amended plans have overcome these concerns.*

- Taking down the pillars would greatly increase visibility when entering and exiting the driveway and significantly enhance the safety and efficiency of traffic along this stretch.

*Officer Comment: This is noted and will be explored in more detail within the 'Impact on Highway Safety' section of this report.*

- I believe the removal of the pillars will improve access and create a more open and accessible pathway for pedestrians.

*Officer Comment: This is noted and will be considered within the 'Impact on Highway Safety' section of this report below.*

- The house and garden renovations previously undertaken at the application property are a great improvement on what was a run-down property and let down to the street. The improvement has allowed the footpath to be more usable and safer for walks.

*Officer Comment: Applications can only be assessed individually, and the merit of previous application cannot be afforded weight in the decision of a new application.*

- The pillars are visibly deteriorated and detract from the overall appearance of the alleyway entrance. This alteration would have no adverse impact on any stakeholders.

*Officer Comment: This is noted and will be further addressed in the 'Impact on Visual Amenity' section of this report.*

- The proposal would enhance the functionality of the property and contribute to the continued upkeep and improvement of the neighborhood's appearance.

*Officer Comment: This is noted and will be further addressed in the 'Impact on Visual Amenity' section of this report.*

**Consultation Responses**

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

KC Conservation & Design (Informal) – Conditions have been added to the end of this report reflecting comments made regarding rebuilding the wall using existing stone, and as closely as possible with regard to courses, height, finish, pointing, and copings.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

**Allocation and Policy**

The site is allocated in the Birkby Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer.

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

*Kirklees Local Plan*

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway and Access
LP22 Parking
LP24 Design
LP30 Biodiversity and Geodiversity
LP35 Historic Environment
LP51 Protection and Improvement of Local Air Quality
LP52 Protection and Improvement of Environmental 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.

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

Chapter2 Achieving sustainable development
Chapter12 Achieving well-designed places

Chapter14 Meeting the challenge of climate change, flooding and coastal change
Chapter15 Conserving and enhancing the natural environment
Chapter16 Conserving and enhancing the historic environment

*Supplementary Planning Documents / guidance*

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note

*Legislation*

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

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

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

**Assessment**

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

**1 – 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 explored.

The site is located within the Birkby Conservation Area on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

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

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

As the site is located within the Birkby Conservation Area; therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered, which requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

LP35 states that:

'Development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm'.

Given the above, subject to condition, it is considered that the proposed development constitutes appropriate development and complies with relevant policy.

**2 – Impact on character and appearance of the area (including impact upon historic environment):**

*Visual Amenity*

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. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies 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.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.*

Key Design Principles 1, 2, and 9 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

*Historic Environment*

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority 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 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

As negotiations with the applicant have led to a proposal that retains the pillars on the application site, it is now considered that the development will have no detrimental impact on the local character or Birkby Conservation Area but will instead preserve the significance of the Conservation Area.

Although it is noted that letters of support for the removal of the pillars have stated they are tired and deteriorated in appearance, it is considered that retaining a historic element of the Birkby Conservation Area is of paramount importance and outweighs the stated improvement of the local area in this case.

Given the limited scale of the proposal, as only existing elements of the application site will be re-used, it is considered that the proposal will be in keeping with the appearance, scale, design, and local character of the area and street scene, and will not dominate the original house or garden area on

the site. Furthermore, the proposal is considered to use an innovative construction method as the re-siting of the pillars and re-construction of the boundary walls will be carried out by re-using the existing pillars and walls, as per a recommended condition by KC Conservation & Design.

Therefore, the proposed development is considered to comply with Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, Principles 1, 2, and 9 of the House Extensions and Alterations SPD, and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

**3. Impact on Residential Amenity**

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

*"…maintain appropriate distances between buildings'* and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

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

Key Design Principles 3, 4, 5, 6, and 7 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

As the pillars are already existing and cause no significant impact with regard to residential amenity, it is considered that the slight re-siting of the artefacts will continue to have no significant impact upon privacy, habitable rooms, overshadowing, light, overbearing, and outdoor space.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Key Principles 3, 4, 5, 6, and 7 of the House Extensions and Alterations SPD, and Policies within Paragraph 135 of the National Planning Policy Framework.

**4. Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new

developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

As the proposal will not directly impact the property on the application site, the number of bedrooms in the dwelling will not increase, therefore, having no impact on the required off-street parking provision for the dwelling. As a result, the current two off-street parking spaces provided by the driveway currently, as outlined in the application forms, are acceptable to remain.

It is noted that the submitted letters of support have stated how the removal of the pillars would increase the ease of entering and leaving the application site via the driveway, increase the visibility when leaving the driveway, and create a more open and accessible pathway for pedestrians to the PRoW. However, following the creation of the current driveway under previous permission 2023/92266, the concerns outlined above have been previously accessed by KC Highways, and the driveway proposal deemed acceptable on highway safety grounds. As a result, it is considered that maintaining the pillars would have no additional impact upon highway safety.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

**5. 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

**6. Other Matters**

*Impact upon Ecology*

Chapter 15 of the National Planning Policy Framework is 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. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and they would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat population. However, notwithstanding this, in the event that planning permission be approved, it is recommended an informative be attached making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

**7. Representations**

All representations received regarding this application have been commented on by the case officer at the beginning of this report.

**8. 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 CONDITIONAL FULL PERMISSION**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2025/90753
**Officer Recommendation:** Conditional Full Permission

**Conditions**

1. The development hereby permitted shall be begun within three years of the date of this permission.
   **Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework
3. The rebuilding of the boundary wall and pillars detailed in submitted plan '2224 50 06' must be carried out re-using the stone gathered from the original wall which is to be re-sited.
   **Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24, & LP35 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. The coursing, height, and finish of the re-sited wall/pillars hereby approved shall in all respects match the existing boundary wall.
   **Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24, & LP35 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

5. The pointing on the re-sited wall/pillars hereby approved must be flushed or recessed and carried out using an appropriate lime mortar mix to match the colour of the stone.
   **Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24, & LP35 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

6. Any copings located in the area of boundary wall/pillars that has been approved for re-siting must be retained in the replacement boundary wall/pillars.
   **Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24, & LP35 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer

a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Existing Site/Block Layout | 2224-04 | - | 31/03/2025 |
| Proposed Site/Block Layout | 2224 50 05 | - | 13/05/2025 |
| Proposed Site/Block Layout | 2224 50 06 | - | 13/05/2025 |
| Application Forms | - | - | 31/03/2025 |
| Climate Change Statement | - | - | 28/03/2025 |
| Design and Access Statement | - | - | 28/03/2025 |

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 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. Following the receipt of comments from KC Conservation & Design, the case officer sought it necessary to find a compromised scheme which could widen the driveway as the applicant wished, whilst also retaining the pillars to respect the Birkby Conservation Area. This was successful and the applicant submitted amended plans detailing how this is possible, as shown in the plans and specifications schedule above.

**Report Dated:** 20/05/2025