

**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>2025/62/90762/E</b>
Site Address:	29, Imperial Road, Edgerton, Huddersfield, HD3 3AF
Description:	Formation of vehicular access, existing gate post retained and moved (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:** 30-May-2025

## **Officer Report – 2025/90762**

### **Site Description**

The application site refers to 29, Imperial Road, Edgerton, a two-storey terraced property faced in brick, with a pitched, tiled roof, a white uPVC door and black window frames. The application property lies within a relatively uniform street scene, being surrounded by properties of a similar size, scale, character, appearance, and age. The application dwelling also benefits from amenity space to the front, as well as garden space and an outbuilding to the rear.

### **Description of Proposal**

#### *The Scheme*

The application is seeking planning permission for the formation of vehicular access, existing gate post retained and moved (within a Conservation Area).

#### *Supporting Information*

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

- Proposed Site Plan – XXXX-XX-ZZ-DR-A-90-001

### **History of Negotiations / Amendments Received**

No amendments have been requested by Officers. The submission of additional information was to detail the precise location of the proposed dropped curb.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

2023/90901 – Work to trees in a Conservation Area – 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, on the Council's website, by site notice, and by press advertisement. The expiry date of the publicity period was the 17/05/2025.

There were 5 letters in total received, one in objection and four in support.

#### *Letters of Objection*

The following summarized objections have been received:

- The formation of a parking area in front of number 29 and partial removal of the front wall will have a significant visual impact on this part

of Imperial Road as it is in the middle of the terrace. The current front garden is attractive and it is a shame to remove plants to replace them with hard parking.

- The house has access for parking at the back.

### *Letters of Support*

The following summarized, letters of support have been received:

- The application will reduce the number of cars on the street and in turn provide additional safety for both pedestrians and motorists by reducing the currently congested parking in the vicinity.
- The application will afford improved visibility at the nearby crossroad junction, further increasing safety by reducing the probability of cars being parked right up to the four crossroad junction-edges as is the case today.
- Many of the surrounding properties already have driveways, so this application is not out of the ordinary and should not be considered as setting a precedent.
- The proposed driveway will allow emergency services vehicles to pass through the area more easily.

### **Consultation Responses**

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

KC Highways Development Management – No objections.

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 Edgerton 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

### *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 and 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 or appearance of Conservation Areas.

### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
  1. Impact upon the character and appearance of the area (including impact upon historic environment)
  2. Impact upon residential amenity
  3. Impact upon highway safety
  4. Climate Change

5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. 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 Edgerton 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 Edgerton 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.”*

Due to the limited scale of the proposal, and the existence of multiple driveways in the immediate street scene of a similar character, 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. The proposal includes the retention of part

of the garden area and wall which will act to mitigate any significant to the historic environment.

Furthermore, the vehicular access is to be constructed using soft landscaping and planting with a permeable driveway finish which is considered to be sympathetic to the surrounding area and maintains an adequate amount of greenery.

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 application contains no extension or physical building on the application site it is considered that the proposal will have no significant impact on the residential amenity on surrounding properties with regard to 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 two off-street parking spaces provided by the new vehicular access are acceptable to meet the properties needs.

It is also noted that the submitted letters of support highlight how the proposed driveway will reduce the number of cars on the street, thus increasing safety for pedestrians and motorists, increasing the visibility at nearby junctions, and increasing the ease of navigating the street for emergency services.

Further to this, Kirklees Highways Development Management were consulted on the proposal and raised no objections.

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 in this 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. An informative would be included 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**

### *Letters of Objection*

The following summarized objections have been received:

- The formation of a parking area in front of number 29 and partial removal of the front wall will have a significant visual impact on this part of Imperial Road as it is in the middle of the terrace. The current front garden is attractive and it is a shame to remove plants to replace them with hard parking.

*Officer Comment: The plans show that a portion of greenery in the front garden will be retained, and this is considered to be acceptable. Furthermore, there are several examples of parking areas to the front garden areas of properties within the immediate vicinity.*

- The house has access for parking at the back.

*Officer Comment: The formation of a parking area to the front will relieve stress and congestion from the area, which is considered of more importance than the residents parking to the front rather than the rear of the property.*

### *Letters of Support*

The following summarized, letters of support have been received:

- The application will reduce the number of cars on the street and in turn provide additional safety for both pedestrians and motorists by reducing the currently congested parking in the vicinity.

*Officer Comment: This is noted and has been addressed in the 'Impact upon Highway Safety' section of this report.*

- The application will afford improved visibility at the nearby crossroad junction, further increasing safety by reducing the probability of cars

being parked right up to the four crossroad junction-edges as is the case today.

*Officer Comment: This is noted and has been addressed in the 'Impact upon Highway Safety' section of this report.*

- Many of the surrounding properties already have driveways, so this application is not out of the ordinary and should not be considered as setting a precedent.

*Officer Comment: This is noted in the assessment of the application and has been referenced in the 'Impact on Visual Amenity' section of this report.*

- The proposed driveway will allow emergency services vehicles to pass through the area more easily.

*Officer Comment: This is noted and has been addressed in the 'Impact upon Highway Safety' section 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  
PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2025/90762

**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).

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 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

**NOTE:** 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 Design Engineer (Kirklees Street Scene: 01484 221000) 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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	03/04/2025
Existing Site Plan	90-001	-	02/04/2025
Proposed Site Plan	XXXX-XX-ZZ-DR-A-90-001	-	16/04/2025
Existing Streetscene Elevation	20_100	-	02/04/2025
Proposed Elevations	101	-	02/04/2025
Application Form	-	-	03/04/2025

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 27/05/2025

