

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

**Reference No:** 2025/61/90811/E

**Site Address:** adj, Clos De L Eglise, Lidgett Lane, Skelmanthorpe,  
Huddersfield, HD8 9AQ

**Description:** Reserved Matters Application for erection of one  
dwelling pursuant to outline permission 2022/94012  
for erection of residential development with parking  
and associated hard and soft landscaping

**Recommending Officer:** Nina Sayers

**DECISION – APPROVAL OF RESERVED MATTERS**

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 18-Jul-2025**

## **Officer Report**

### **Site Description**

adj, Clos De L Eglise, Lidgett Lane, Skelmanthorpe, Huddersfield, HD8 9AQ.

Since the outline application was submitted, it appears Clos De L Eglise has changed its name to Lidgett House. For the purposes of this application, the address will stay the same to align with the outline permission however this report will refer to the adjacent property as Lidgett House.

The application site comprises a plot of land measuring ~400m<sup>2</sup>, which is currently used as access, parking and turning area for the vehicles associated with the adjacent properties, Lidgett House and Maglin. The site benefits from existing access from Cumberworth Road which is an adopted highway. The application site is surrounded by a number of other residential dwellings to the north, south and west. To the east is Skelmanthorpe Fire Station.

The site is not located within a Conservation Area and is not in close proximity to any Listed Buildings. However, it is noted that Skelmanthorpe Conservation Area is ~18 metres from the site

### **Description of Proposal**

This is a reserved matters application pursuant to outline planning approval 2022/94012 for residential development. Scale, layout, appearance and landscaping are matter for consideration with principle and access approved under the outline application.

The scheme proposes a single storey, pitched roofed dwelling with a gable porch. It would be oriented north-west with the principal elevation fronting Cumberworth Road. Tandem parking is proposed to the rear of the site, accessed by the existing access along the eastern side of the site with turning provision within the internal driveway. A dry stone wall with fencing is proposed to the southern and western boundaries and the site.

### **History of negotiations/amendments received**

Officers sought a street scene/section to show the relationship of the dwelling with the existing properties and a plan showing the existing parking provision for Lidgett House.

Amended plans were received.

### **Relevant Planning History**

2003/92494 Erection of detached dwelling. Refused.

2004/91133 Erection of detached dwelling. Refused.

2004/93528 Erection of detached dwelling. Refused. Appeal Dismissed.

2005/92924 Formation of vehicular access. Conditional full permission.

2022/94012 Outline application for residential development with parking and associated hard and soft landscaping. Conditional outline permission.

## **Representations**

This application was advertised by site notice. Final publicity expired 08/05/2025. No representations received.

## **Consultation Responses**

KC Highways Development Management – No objections. Comments discussed in the highway safety section of this report.

## **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 27<sup>th</sup> 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 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 12<sup>th</sup> December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 15** – Conserving and Enhancing the Natural Environment

**Other Material Considerations:**

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).

**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:**

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 not displayed as allocated on the KLP Policies Map. 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...”*

The principle of erecting a new residential development on this site, was assessed and considered acceptable under the outline application

(2022/94012). This application considers appearance, landscaping, layout and scale reserved matters only to compliment the outline.

In respect of the above, the principle of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

## **2 – Impact on visual amenity:**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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, 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.”*

Principle 5 stated “Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages.” Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The scheme proposes a relatively modest building set within a domestic curtilage which currently serves as a parking area for the adjacent dwellings. The footprint of the proposed dwelling would not be dissimilar from the existing development in the surrounding area which varies in terms of scale. Officers initially had concerns that the proposed dwelling did not align with the building line of Cumberworth Road. Amended plans were sought and received which rotated the dwelling within the plot so the front elevation was parallel to Cumberworth Road. Officers are satisfied that there is now a clearer relationship with the proposed dwelling and Cumberworth Road in line with Principles 5 and 14 of the Housebuilders Design Guide SPD.

As the site is a corner plot, the dwelling also fronts Lidgett Lane. The applicant has demonstrated the general building line for Lidgett Lane on the proposed site plan however it is noted that the 2 properties to the south are set significantly further back within the plot. The proposed dwelling would therefore sit further forward than the adjacent dwellings on Lidgett Lane which would appear incongruous within the street scene although it is noted that due to the existing access within the site, which serves Maglin, the applicant is limited to how far east the dwelling can be set within the plot. Following the revised plans the dwelling is oriented further from Lidgett Lane than initially proposed which is a welcomed revision.

Given the corner plot, officers must consider the relationship the proposed dwelling would have on the street scene of both Cumberworth Road and Lidgett Lane. The existing development on Cumberworth Road is predominantly two-storey, stone pitched roofed dwellings although the site is adjacent to Skelmanthorpe Fire Station which is a single storey, red brick, shallow pitched roof building with a flat roofed element to the west. The proposed dwelling would have a steeply pitched roof design. Taking into consideration the existing development When viewed from Cumberworth Road,

It is apparent the proposed design has drawn from the design of Lidgett House with a similar one and a half storey pitch roof design, albeit oriented differently within the plot. Similarly, Woodside, the property to the south of Lidgett House, also has a similar roof design with a gable end which fronts the highway. The dwelling would not protrude above the roof ridgeline of Lidgett House and would have a similar eaves height. Therefore, notwithstanding the orientation within the plot, the design and scale of the proposed dwelling would be in keeping with the existing development on Lidgett Lane.

The agent has confirmed the proposed materials would be natural stone walling under a Marley Modern Grey tiled roof. This would be in keeping with the existing development in the surrounding area and as such is considered acceptable. Officers recommend these materials are secured by condition.

There is sufficient green space surrounded the dwelling, providing good amenity space. Whilst the dwelling is set within a smaller plot than the neighbouring properties, the size of plot is considered sufficient for the scale of dwelling proposed and would align with the desired 35 dwelling per hectare density for development outlined in Policy LP7 of the Kirklees Local Plan. On this basis it is considered the proposal would not result in overdevelopment of the plot.

Officers do have some concerns regarding the setting of the dwelling within the plot, in close proximity to Lidgett Lane, however officers acknowledge the site constraints and the applicant's attempt to mitigate this issue. Officers also acknowledge that this site is a plot of land currently serving surplus parking, and the plot is likely to go undeveloped if an appropriate dwelling cannot be proposed on the site. Taking into consideration the Council's housing land supply position, and the need for additional housing, officers consider on balance that the benefits of providing housing in this location outweigh the harm cause to visual amenity. The scheme therefore complies with Policy LP24(a) of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

### **3 – Impact on residential amenity:**

Section 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.

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.

The residential properties most likely to be affected by the proposed development are considered to be Lidgett House, Maglin, 2 and 4 Lidgett Lane and 30 and 32-34 Cumberworth Road. The impact upon these properties will be discussed below.

#### *Impact on Lidgett House*

Lidgett House is a one and a half storey dwelling located due south of the application site. This property was formally called Clos De L Eglis. The proposed dwelling would be set 11.9m away from the side elevation of Lidgett House which appear to serve habitable rooms. As the proposed dwelling would be single storey, and would not directly align with the openings on the side elevation of Lidgett House, it is considered that no significant overbearing or overshadowing harm would occur to the neighbouring occupants.

The proposed dwelling is single storey and there is a drystone wall with a fence above proposed along the boundary of the properties. Therefore, any overlooking harm is considered to be screened by the boundary treatment. A dormer window is proposed which would front Lidgett House however this serves a bathroom so would be obscurely glazed and therefore no overlooking harm is considered to be caused to residential amenity of the occupants of Lidgett House.

#### *Impact on Maglin*

Maglin is a residential one and a half storey dwelling located south-east of the application site. The access for Maglin runs through the application site but would not be affected by the proposal. The proposed dwelling would be >21m from Maglin which is considered a sufficient distance to prevent any significant harm to the amenity of the occupiers of Maglin.

#### *Impact on 2 and 4 Lidgett Lane*

2 and 4 Lidgett Lane are two storey dwellings set south-west of the application site. they are both oriented east, facing the application site. There would be an opening proposed for the master bedroom in the side elevation of the proposed dwelling however there would be a separation distance of at least 21m which is considered a sufficient distance to prevent any harm to the occupants.

#### *Impact on 30 Cumberworth Lane*

30 Cumberworth Lane is located north-east of the application site and fronts Cumberworth Lane. The proposed dwelling would not align with the front elevation of no.30 and would remain ~21m away which is considered a sufficient distance to prevent any significant harm to the occupants.

### *Impact on 32-34 Cumberworth Lane*

32-34 Cumberworth Lane is located north-west of the application site. The side elevation no.32-34 fronts Cumberworth Lane which has one opening which is obscurely glazed. The proposed dwelling would not align with the side elevation of no. 32-34 and would remain 15.4m away which is considered a sufficient distance to prevent any harm to the occupants. As the dwelling would be single storey, no additional overlooking harm is considered to be caused to the amenity space to the east of no.32-34 which is already visible from the highway.

### *Impact on the 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. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, 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.”*

The proposed dwellings exceed the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed garden is considered to be a good size for a dwelling of this scale. It is considered the habitable rooms are served by windows which would have sufficient outlook and natural light for the amenity of future occupants.

Therefore, it is considered the proposed development would not cause significant harm to the residential amenity of the future or neighbouring occupiers and is acceptable in terms of residential amenity. The scheme therefore complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

### **4 – 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.

The proposed access and the impact on highway safety was carefully assessed and considered acceptable under the outline planning application

(2022/94012). This application considers appearance, landscaping, layout and scale reserved matters.

The proposed layout shows off-street parking provision for two vehicles to the rear of the dwelling which would be access via the existing access. This is considered an acceptable number of spaces for a 3-bedroom dwelling. KC Highways were consulted on the proposal. As the proposed scheme would remove the existing parking for Lidgett House the applicant was asked to demonstrate sufficient parking for Lidgett House on the site plans. Amended plans were sought and received which amended the parking to tandem parking which allowed for additional amenity space and for the dwelling to be moved within the plot as discussed in the visual amenity section. A site plan was also provided which shows an integral garage and a driveway at Lidgett House which provides parking for 2 vehicles.

This has been reviewed by KC Highways and the proposed scheme is therefore considered acceptable. It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

## **5 – Other matters:**

### *Biodiversity*

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

### *Biodiversity*

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has outlined that a small sites metric has been completed and that the 10% net gain will be achieved by purchasing from a registered land bank however no details of this have been submitted. This application is a reserved matters application in association with an existing permission. As such the scheme is exempt as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no requirement for BNG to be provided in respect of the aforementioned legislation.

Notwithstanding this, condition 5 of the outline planning permission (2022/94012) requires details of BNG to be provided at reserved matters stage. The details provided are not detailed enough for officers to be satisfied that the development would provide BNG in line with LP30 of the Kirklees Local Plan. It is noted that the existing site is predominantly hardstanding and would result in grassed amenity space which would somewhat improve the existing surfacing in terms of BNG. Officers would condition that the development includes a bird box to ensure BNG is provided on site.

The proposal therefore complies with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD.

There are no other matters for consideration.

#### **6 – Representations:**

No representations were received.

#### **7 – 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 that the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2025/90540

**Officer Recommendation:** Approve

### **Conditions:**

1. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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 the aims of Policies LP1, LP2, LP7, LP11, LP20, LP21, LP22, LP24, LP30, LP47, LP52 and LP53 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide, and Chapter 2, 5, 9, 12 and 15 of the National Planning Policy Framework.

3. This Reserved Matters approval relates to development for which outline permission was granted under application reference 2022/94012 dated 15-MAR-2023. The development shall be carried out in strict accordance with the conditions set out in the outline planning permission, except as modified by this permission.

**Reason:** For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

4. The dwelling hereby approved shall be finished in natural stone walls and Marley Modern Grey Tile roofing.

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

5. Before the development is first brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

**Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

6. A bird box shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar

and shall be located away from sources of light and be sited at least 4 metres above ground level. The bird box shall be provided prior to first occupation of the dwelling and thereafter be retained.

**Reason:** To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

**NOTE** Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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

#### **Plans and Specifications Table:**

| <b>Plan Type</b>                | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|---------------------------------|------------------|----------------|----------------------|
| Location Plan                   | OS               |                | 25/03/25             |
| Proposed Plans                  | 1                |                | 25/03/25             |
| Proposed Site Plan and Sections | 3                |                | 05/06/25             |
| Design and Access Statement     |                  |                | 25/03/25             |

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 has, 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.

Officers sought a street scene/section to show the relationship of the dwelling with the existing properties and a plan showing the existing parking provision for Lidgett House.

Amended plans were received.

Report Dated: 07/07/2025