

**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: | 2025/62/90829/W |
| Site Address: | Land adj, 3, Vernon Close, Edgerton, Huddersfield, HD1 5QE |
| Description: | Erection of detached dwelling with detached garage |
| Recommending Officer: | John Holmes |

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: 18-Jun-2025

Officer Report – 2025/90829

Site Description

The application site relates to a plot of land which is to the rear of properties on Cedar Avenue (nos 1 – 11) and Mountjoy Road (nos – 28 – 38). The land is largely cleared of vegetation, although previously hosted trees and shrubs within the site.

There is a general downward east to west gradient across the site and the surrounding land. It is located in a residential area, surrounded by housing on three sides, and adjacent to a private residential parking court to the north-east.

Access is taken from Vernon Close which is a cul de sac to the south east of the site.

Description of Proposal

The Scheme

The application is seeking planning permission for the erection of a detached dwelling with detached garage.

Detached dwelling

The layout would be such that the dwelling will have its front elevation face onto Vernan Close with a detached garage building to the northern corner of the site.

The dwelling would be two storey with a single storey element to the side and rear and feature a glazed roof to parts of the single storey element. The proposal would see a large building which hosts five bedrooms across three floors. The floorspace being a total of 484m². In addition to the bedrooms the dwelling hosts multiple en suites, bathrooms, gym, dining room, living spaces and kitchen.

A recessed balcony is proposed to the rear elevation.

One window serving a bedroom is to the south western side elevation, other openings in this elevation relate to two windows serving a living room, a window serving a dining room and a window serving a pantry as well as two windows serving bathroom / ensuite at first floor level and a window serving an ensuite at the second floor level.

To the front and rear main habitable windows serving bedrooms, living rooms and other rooms serving the dwelling are proposed across all three floors.

To the north eastern (side) elevation openings serving a kitchen / dining room are proposed as well as window serving a toilet at the ground floor level. In

addition, a window serving a main habitable room (marked as games room upon the plans) is proposed. A glazed porch is to this elevation too. At the first and second floor level windows serving ensuite / bathrooms are proposed and a window serving a gym / sauna is also proposed.

The dwelling would be 6.8m in height to the eaves and 9m in height to the ridge. The single storey element would be of a lean to design and 2.9m in height to the eaves and 3.6m in height to the topmost part of the roof.

The dwelling would have a rear to side distance of 42m from 32 Mountjoy Road and would be 10.9m at its closest point from no.1b Vernon Close and 12.6m from no.3 Vernon Close as shown on submitted plan 2402/01/Drev1.

Detached garage

This element of the scheme would be to the northern corner of the site and would have a rear to rear relationship with no.5 Cedar Avenue, being at a distance of 21m from this property.

The detached garage would have a floor space of 52m² in size at ground floor with rooms in the roof space served by 2 dormers (in the southern / front elevation). The first floor would also have a floorspace of 52m². A balcony is proposed to the front of this building.

The detached garage would be 3.1m in height to the eaves and 5.6m in height to the topmost part of the roof and would be of a gable roof design.

Cycle storage and vehicular parking for two vehicles is indicated upon the submitted plans.

Supporting Information

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

- Design and Access Statement
- Coal Mining Risk Assessment
- Preliminary Ecological Appraisal (dated 3rd July 2024)
- Climate Change Statement.

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

- Tree Survey, Arboricultural Impact Assessment & Method Statement (ref: 251343/A1_AIA)

Where relevant the aforementioned documents are referred to in the 'Assessment' section of this report.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2003/90462 – Erection of detached dwelling with detached double garage with workshop and store-room. Refused and appeal dismissed. The reason for refusal reads as follows:

The proposed building will, because of its size, design and siting be detrimental to the visual amenity of the area, be incongruous with existing buildings in the vicinity and be prejudicial to the amenities of the occupiers of adjacent residential properties contrary to Policy BE2 of the Unitary Development Plan.

It is noted that within the dismissed appeal decision, the Inspector stated 'whilst accepting that, in principle, the proposed dwelling would not be out of place in its context in terms of scale, massing, design etc, I consider that the impact on living conditions for occupiers of no.1 Vernon Close would be sufficient to render the proposal unacceptable'.

The Inspector, in dismissing the appeal, concluded the visual impact of the development proposal the subject of application 2003/90462 to be acceptable but concluded that whilst set at an angle, no.1 Vernon Close would, given the significant change in level between the two sites and the scale of the new building, be significantly impacted upon. They concluded that the development would have an overbearing and oppressive impact and cause an unacceptable degree of overlooking / facilitate overlooking with a consequent loss of privacy and it was on that basis they dismissed the appeal.

It is noted the layout of 2003/90462 was similar to that as proposed.

2003/93518 – Erection of detached dwelling and detached triple garage.
Approved

It is noted the layout of the 2003/93518 was similar to that as proposed, and the scale of the buildings was revised down. The size of the buildings the

subject of this approval being a garage 10m x 6m in largely the same location as proposed and a height of 5.8m (ridge) and 2.9m (eaves).

Turning to the dwelling, this was approximately 250m² and at a height of 5.5m (eaves) and 8.6m (ridge).

The approval of 2003/93518 saw the approval of a development which was of a reduced scale from that of the previous refusal.

The planning history of the site is taken into account within the assessment of this report.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter

The application has been publicised as on the Council's website and by site notice. The expiry date of the publicity period was the 25th April 2025.

One letter of objection has been received to this proposal, raising the following, summarised, objections:

- Concerns in relation to light as it appears light serving neighbouring dwellings will be impacted upon.
- Overlooking appears to result from the proposal

The third party representations received are taken into account in the 'Assessment' section of this report.

Consultation Responses

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

KC Trees – No objection, subject to condition.

KC Ecology – Following further discussion after receipt of their initial consultation response, no objections raised, subject to condition

KC Highways – No response received

KC Environmental Health – No response received

The Mining Remediation Authority – No objection, subject to condition

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

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site is also located within an area identified as being at risk of land instability as a result of former mining activities.

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
- LP3 Location of new development
- LP11 Housing Mix and Affordable Housing
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP33 Trees
- LP53 Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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
- Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents

- Kirklees Highway Design Guide (adopted November 2019)
- Housebuilders Design Guide SPD (adopted June 2021)
- The Biodiversity Net Gain Technical Advice Note

Legislation

- The Town & Country Planning Act 1990 (as amended).
- 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.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

In this case, taking account of the scale / nature of the development proposal and the scheme the subject of this application it is considered that it would not affect the setting of the nearby Conservation Area (boundary of which is 30m to the east / north. In addition, it is considered the proposal would not affect the setting of the nearby listed buildings which are 48m in distance from the site. This conclusion is drawn on the basis of the intervening development, proposal which is being applied for and the distance the development is from these heritage assets.

ASSESSMENT

1 – Principle of Development

The site is without notation on 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 chapter 2 of the National Planning Policy Framework.

Policy LP2 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".

Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35

dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. In this case it is considered a higher density of development could potentially be achievable, although weight is afforded the extant permission that has previously been in place and the length of time the site has stood vacant despite gaining permission for redevelopment.

Furthermore, the site is to the rear of existing dwellings and there is potential that a higher density of development could lead to an adverse impact upon the amenity of neighbouring occupiers. Finally, the highway impact of multiple dwellings accessing the site from Vernon Close is taken into account. Combining these factors, it is considered that it would be unreasonable of the LPA to insist upon a higher density of development in this case taking account of the variety of property types in the locality and on balance the proposal is concluded to be acceptable having regard to the density of development which is proposed.

Policy LP11 of the Kirklees Local Plan requires that All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

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

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

and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 – Impact on character and appearance of the area

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.

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

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'*.

Paragraph 7.19 of principle 6 states that for two-storey house types there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. Principle 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 13 of the Housebuilders design guide states Applicants should show how different materials which are prevalent in the vicinity of the site have been taken into account in the proposal.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Innovation for energy efficiency is encouraged, particularly for maximising solar gain to allow for passive solar construction.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types. Consideration should be given to the pitch of roofs, the inclusion of dormer windows, provision of green/blue roofs,

the role of roofs in providing outdoor space and ensuring that the design of roofs does not allow for easy climbing access to upper floor windows.

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.

In addition, the planning history is considered to be a consideration which is relevant in this case, given the previous refusal on the basis of visual amenity.

The front elevation would align with the side elevation of no.3 Vernon Close, the submitted plans demonstrate that parking to the front and side could be undertaken albeit as tandem parking, notwithstanding this fact an area of front garden amenity space would be provided, as well as side garden and also a patio area and rear garden beyond. Vehicular turning could take place within two points within the site.

The layout of the site / dwelling is largely similar to that previously approved in 2003, however, the building proposed does appear larger. The alignment of the proposal and the layout of the site is considered to be a coherent alignment in relation to neighbouring dwellings and would front the street as well as providing an area of soft landscaping within the street frontage. Amenity space provision is considered to read as proportionate to that of the proposal. As such the proposal is considered to be acceptable with regard to principles 5 and 7.

The application form sets out the intention for the walls to be constructed from coursed Yorkshire stone and roof to be constructed from grey concrete tiles. It is considered that this would be acceptable visually given the material palette of the street / locality. However, it is recommended that this be secured via condition should planning permission be approved. Furthermore, the submitted plans demonstrate the windows and doors would relate well to the street frontage and neighbouring properties and reflect local character.

Storage of waste bins would be possible to undertake to the rear of the dwelling given the layout of the site and therefore it is considered the proposal would be acceptable in this regard in accordance with principle 19.

The proposal would have a roofline greater than neighbouring dwellings, however, it is noted mature landscaping is present which would largely screen the proposal from the closest property (no.1B). Notwithstanding this point, the extent the dwelling is set back is considered to be suitable in terms of the impact of the roof line which is proposed and whilst the building would be of a greater size and scale, overall it is concluded that the impact of the development in this regard would not be of such significance as to warrant refusal, having regard to principle 15 of the SPD.

The submitted scheme does detail the finished floor levels of the proposal in relation to existing properties, namely 9 Cedar Avenue, 32 Mountjoy Road and 5 Cedar Avenue (drawing 2402/01Crev1). Given that the siting of the dwelling and detached outbuilding is demonstrated upon this plan, and on the basis of any grant of permission requiring the finished floor and slab levels of the dwelling to be in accordance with those shown, it is considered the impact of the proposal in terms of the level it is constructed to would be visually acceptable, having regard to the size and scale of the dwelling which is detailed in the 'Proposal' section of this report.

In terms of boundary treatments, the applicant has set out that they intend for a boundary consisting of 1 metre high coursed Yorkshire stone to the east and south boundary with a 0.8 meter wooden fence on top. Whilst a 1.8m boundary may be acceptable to the majority of the boundaries of the site, it is considered the southern boundary should be of a lesser height to ensure it would not give a stark / closed off appearance within the street. Therefore, it is recommended that a condition be included upon any grant of permission requiring the boundary treatments of the site to be submitted to the LPA for written approval prior to the development being brought into use, to ensure an acceptable boundary is in place to the southern boundary.

It is concluded that, subject to the inclusion of the recommended conditions aforementioned, the proposal is acceptable with regard to visual amenity considerations and the relevant policies and guidance.

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 130 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.

A core planning principle as set out by policies within Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the House Builders Design Guide sets out 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.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The 'proposal' section of this report sets out the relationship of the dwelling in terms of neighbouring properties and distances between the proposal and existing neighbouring dwellings.

Drawing 2402/01/Garev1 shows two openings at the first floor level (in the side elevations) serving the outbuilding. Given the proximity to neighbouring properties it is recommended upon any grant of permission that these are obscure glazed.

It is noted a number of openings are to the side elevations of the dwelling. Whilst the ground floor openings can be suitably mitigated (in terms of overlooking) by the presence of appropriate boundary treatments (recommended to be secured by condition), it is considered the first floor openings have the potential to lead to overlooking of neighbouring occupiers. Therefore, it is recommended any grant of permission requires the side elevation openings in the first and second floors to be obscure glazed.

The closest dwelling (no.1B) would have a side / front relationship with the property and is at an oblique angle. Given the distance and significant screening in place along the boundary it would be unreasonable of the LPA to refuse permission on the basis of impact of the proposal to this property and as such is on balance acceptable in this instance.

The side elevation of no.1B does not appear to host openings. The front elevation would not have a direct view to the front of the proposed dwelling and the rear is angled such that there is no overlooking between these properties. As such it is considered that the impact as a result of overlooking, overshadowing or being unduly oppressive / overbearing is not to such an extent that refusal could be substantiated on this ground in this instance.

No.4 Vernon Close is to the north east of the site. The orientation is considered to be such that it is concluded that, on balance and taking account of the distance of the dwelling and outbuilding to no.4, the impact as a result of overlooking, overshadowing or being unduly oppressive is not to such a degree to warrant refusal. This conclusion is drawn on the basis that boundary treatments of a suitable design which ensure effective screening are recommended to be secured via condition. The balcony feature within the outbuilding, as well as the dormer openings are noted, however the distance and orientation of no.4 and this building is such that it is concluded it would not lead to significant levels of overlooking. Additionally, the inclusion of a condition requiring obscure glazing for upper floor openings to the side elevation of the dwelling would mitigate overlooking impact to no.4.

Properties on Cedar Avenue and Mountjoy Road are considered to be a suitable distance to ensure no significant overshadowing or overbearing impact arises as a result of the development. It is considered that on the basis

of the inclusion of the obscure glazing conditions the impact to these properties as a result of overlooking would not be significant given the separation distances. Whilst a balcony feature to the rear of the dwelling is noted, it is concluded the impact of this as a result of overlooking would not be significant given the distance it would be sited from neighbouring dwellings.

The dwelling would comfortably meet the requirements of principle 16 in providing accommodation which meets the Nationally Described Space Standards. The level of amenity space provision is considered to be proportionate to a dwelling of this size / scale and is considered acceptable in this regard. The impact to future occupiers of the dwelling is therefore concluded to be acceptable.

It is noted the outbuilding is of a size and scale which, were it not used in an ancillary capacity, could impact upon occupiers of the proposed dwelling in terms of comings and goings, access arrangements as well as noise and disturbance associated with use of the outbuilding were it not used ancillary. Therefore, it is considered to be reasonable and proportionate to attach a condition which requires the use to be ancillary to the dwelling the subject of this application should planning permission be approved.

Taking account of the aforementioned policies, subject to inclusion of the recommended conditions, the proposal is considered acceptable with regard to impact upon residential amenity of future / neighbouring occupiers.

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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The proposal would see access taken from an existing access point at the head of the cul-de-sac. The internal layout of the driveway is such that turning maneuvers could be undertaken to allow a vehicle to access / egress in forward gear. Parking is shown to be provided for in excess of 3 vehicles, with the turning area remaining clear / free from obstruction. Waste storage is possible within the site such that they can be stored so as not to interfere with parking / turning areas.

No response has been received from the Council's Highways Team, however, it is considered the LPA is still able to process / determine this application.

It is noted that the 2003 approval included the following conditions:

- No planting or boundary treatment within a strip of land 2m deep measured from the carriageway edge of Vernon Close across the full frontage.

- Provision shall be made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles and workforce within the site.
- Garages shall be used ancillary to the host property only

It is considered that in this case, having regard to the plans submitted, it would be unnecessary to repeat the first condition listed above. There have been significant changes in policy since the 2003 consent and in any event the extent of vehicle movements from one dwelling, where a pavement frontage is in place at the front of the site, is considered to be such that further visibility requirements would be unreasonable and unnecessary of the LPA in this case.

It is considered reasonable and necessary to include the recommended conditions relating to provision of areas for construction workers, vehicles, plant and machinery within the site during the construction phase. In addition, it is considered additional vehicle movements associated with the use of the outbuilding, were it not used ancillary to the host property, has the potential to create an intensification of the access that may not have an acceptable impact / require mitigation and therefore a condition requiring the outbuilding is used ancillary is therefore recommended.

It is considered that the impact of the proposed development upon access and highways safety, having regard to the layout and parking provision proposed, would not be significant in this case and subject to inclusion of the recommended conditions the proposal is acceptable in this regard.

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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

A climate change statement has been submitted, this sets out the following measures to be incorporated:

- Install smart gas/electric meters to measure energy consumption
- Install user friendly lighting and gas boiler controls
- Use energy efficient appliances
- Ample garden to dry washing outside
- Install a 5KWh+ PV roof mounted array system Install a MVHR system. South facing slope on house and garage to facilitate installation of solar panels.
- Extra insulation to be added to roof and floor.
- Triple glazing to North facing windows.
- Energy efficient boiler with zone control to be installed.
- Low energy lights to be used throughout with intelligent control to turn off when not in use.
- EV charging point to be provided
- Rainwater will be harvested and used for non-potable uses.
- Low dual flush toilets will be installed. Taps will be fitted with spray heads and showers fitted with water saving heads. Water meter to be installed.

In addition, the statement confirms that bricks from demolition of the previous building will be recycled as hardcore for the driveway and the outer skin of coursed Yorkshire stone will be sourced from a local quarry.

Taking account of the Climate Change Statement submitted, and the measures intended to be undertaken as part of the development, and fact building regulations will require measures (such as provision of EV parking) it is considered that the proposal is acceptable in this regard, in accordance with the aforementioned policies.

6. Other Matters

Ecology & Impact upon Trees

Biodiversity Net Gain is set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The application form sets out the proposal is to benefit from the self build exemption, there is no information available to the LPA to suggest this would not be the case. The development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

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. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

The application has been submitted with an accompanying Preliminary Ecological Appraisal, which sets out a number of measures recommended to provide protection and enhancements. The PEA details the following, suggested enhancements:

- The site could be enhanced for hedgehogs post-development with the inclusion of hedgehog houses and fence gaps.
- The site could be enhanced for badgers by planting bramble *Rubus fruticosus* and damson *Prunus domestica* subsp. *insititia*, as well as planting fruit-bearing trees to increase foraging opportunities for badgers.
- The site could be enhanced for amphibians post-development through creation of amphibian hibernacula using rubble and logs from site clearance.
- The site could be enhanced for reptiles post-development by planting additional native hedgerows across the site (i.e., hawthorn or blackthorn), and the inclusion of log piles and a compost heap.
- Provision of bat and bird boxes
- planting native trees and shrubs, and planting of native hedgerow across the site
- provision of native wildflowers or wildflower turf, and the installation of insect hotels and log piles into the new garden area which would provide foraging and sheltering opportunities for invertebrates.

The submitted PEA details that best practice measures to minimise the possibility of pollution affecting adjacent habitats must be implemented during construction and a Construction Environment Management Plan may be required to ensure this is the case.

The Council's Ecologist has been consulted regarding the proposal and has stated they consider the Preliminary Ecological Assessment reasonable and acceptable, and in line with appropriate methodology. They recommend that a Biodiversity Construction Environmental Management Plan be provided prior to construction works commence to ensure that the impact of the proposal is acceptable during the construction phase.

Further to the submission of the PEA, a Tree Survey has been submitted which sets out that pruning to an existing tree is to be undertaken, removal of Ash Saplings and that fixed Heras panels around the crown / Root Protection Areas of existing trees and that there is no access to these areas during construction is to be undertaken. A drawing titled 'Tree Protection Plan' forms part of the submitted survey and indicates all areas where protective fencing would be sited.

Following review of the submitted Survey, the Council's Tree Officer has confirmed that they are confident that the proposals can be achieved with no impact on any of the retained trees and that the scheme is considered acceptable in regard to all trees to be removed. They confirm there is no objection although set out that the construction plan should follow the guidance in the Arboricultural Method Statement and all tree protection fencing should be adhered to.

Taking account of the extent of the works to be undertaken, and the trees upon the site which would be retained as part of the development and the response of consultees, it is considered that it is reasonable and necessary to require that the tree protection measures set out in the drawing titled 'Tree Protection Plan' (ref: 251343/TPP/01) of the submitted Tree Survey (ref: 251343/A1_AIA) have been provided prior to construction commencing, and that they are retained for the duration of the construction phase.

In terms of the ecological impact of the development, it is noted that much of the site has been cleared which would not have required consent in itself. As such the inclusion of a condition requiring a biodiversity Construction Environmental Management Plan would not be a reasonable or proportionate requirement in this case particularly taking account of the extent of the site where works would be undertaken in any event. Similarly, it is considered that some of the enhancements set out in the PEA, whilst beneficial, would not be a reasonable requirement as part of any grant of permission.

It is considered that on the basis that there is a provision of bat boxes and that boundaries incorporate hedgehog holes within their construction, such measures are a proportionate and reasonable requirement to ensure a level of biodiversity enhancements are provided as part of the development.

It is therefore concluded that, subject to inclusion of the recommended conditions, the proposal would be acceptable in this regard.

Land Stability

The site is in an area identified as being at risk of ground instability as a result of former mining activity. Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application is accompanied by a Coal Mining Risk Assessment report (12 March 2024, prepared by the Coal Authority's commercial arm). The recommendation of the Assessment is that further intrusive ground investigations are undertaken.

The Mining Remediation Authority have been consulted regarding the proposal, they have stated that they welcome the recommendation for the undertaking of intrusive site investigations. They confirm that these should be designed and carried out by competent persons, in cognisance of the conclusions of the Coal Mining Risk Assessment, to properly assess ground conditions and to establish the exact situation regarding mining legacy and the risks it may pose to the development.

They conclude that they have no objection to the proposal on the basis that conditions are imposed requiring further investigations to be undertaken and remediation measures to be submitted to the LPA for written approval.

On the basis of the inclusion of the conditions, the proposal is considered acceptable in this regard.

7. Representations

One letter of objection has been received to this proposal, raising the following, summarised, objections:

- Concerns in relation to light as it appears light serving neighbouring dwellings will be impacted upon.
- Overlooking appears to result from the proposal

These matters are taken into account within section 3 of this report, which assesses the development in respect of impact upon the residential amenity of neighbouring occupiers.

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

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/90829

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 LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP30, LP33 and LP53 of the Kirklees Local Plan, Principles 4, 5, 6, 12, 13, 14, 15, 16, 17 and 19 of the Councils adopted House Builders Design Guide, the Council's adopted Highways Design Guide and the policies within Chapters 2, 12 and 15 of the National Planning Policy Framework
2. The materials of construction used for all external walls of the development hereby approved shall be natural stone which shall be retained thereafter.
Reason: Policies LP24 of the Kirklees Local Plan, Principle 13 of the Councils adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework
3. The materials of construction used for all roof slopes of the development hereby approved, and the front and cheeks of the dormers within the outbuilding hereby approved, shall be concrete tiles of a dark grey colour finish which shall be retained thereafter.
Reason: Policies LP24 of the Kirklees Local Plan, Principle 13 of the Councils adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework

4. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing 2402/01Crev1. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.
5. Notwithstanding the details shown on the approved plans, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the provision of hedgehog holes within the boundaries which allows for the movement of wildlife. The development shall not be brought into use until the boundary treatment has been completed in accordance with the approved details. The scheme shall thereafter be retained.
Reason: In the interests of residential amenity of neighbouring occupiers, visual amenity and to ensure biodiversity enhancement measures are provided to accord with Policies LP24 & LP30 of the Kirklees Local Plan, principles 5, 6 and 9 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.
6. All glazing within the first and second floor side (south western and north eastern) elevations of the dwelling hereby approved shall be fitted with obscure glazing or a permanently affixed film which achieves a minimum privacy rating Grade 4. This shall be retained at a height of 1.7m when measured from the finished floor level.
Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs, in the interests of the residential amenity of neighbouring occupiers and to accord with policy LP24 b of the Kirklees Local Plan, principle 6 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.
7. All glazing within the first floor side (south western and north eastern) elevations of the outbuilding hereby approved shall be fitted with obscure glazing or a permanently affixed film which achieves a minimum privacy rating Grade 4. This shall be retained at a height of 1.7m when measured from the finished floor level.
Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs, in the interests of the residential amenity of neighbouring occupiers and to accord with policy LP24 b of the Kirklees Local Plan, principle 6 of the Housebuilders Design Guide

SPD and policies within Chapter 12 of the National Planning Policy Framework.

8. One bat box and one bird box shall be incorporated into the dwelling hereby approved; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light. The bat and bird boxes shall be provided prior to first occupation of the dwelling hereby approved 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 Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

9. Development shall not commence until the tree protection measures set out in the drawing titled 'Tree Protection Plan' (ref: 251343/TPP/01) of the submitted Tree Survey (ref: 251343/A1_AIA) have been provided. The measures shall be retained in accordance with the details upon the drawing titled 'Tree Protection Plan' (ref: 251343/TPP/01) of the submitted Tree Survey (ref: 251343/A1_AIA) for the duration of construction works being undertaken.
Reason: To ensure the protection of trees to accord with policies LP30 & LP33 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and policies within Chapter 15 of the National Planning Policy Framework.

10. Development shall not commence unless and until provision has been made within the site for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles and workforce associated with all construction works which shall be retained for the duration of construction works being undertaken.
Reason: In the interests of access and highway safety and residential amenity to accord with policies LP21 and LP22 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

11. The outbuilding hereby approved shall be used ancillary to the dwelling hereby approved.
Reason: In the interests of residential amenity of neighbouring and future occupiers occupiers and for the avoidance of doubt as to what is being approved to accord with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

12. Development shall not commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and b) any

remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is a pre-commencement condition for the undertaking of remedial measures, prior to the commencement of development, which is considered to be necessary to ensure the safety and stability of the development, in accordance with Paragraphs 189 and 190 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the development, in accordance with Paragraphs 189 and 190 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and specifications schedule:-

| Plan Type | Reference | Date Received |
|-------------------------|----------------|---------------|
| Location Plan | PP-13886147v1 | 26/03/2025 |
| Site Plan | 2402/01/Drev1 | 26/03/2025 |
| Dwelling Elevations | 2402/01Brev1 | 26/03/2025 |
| Dwelling Floor Plans | 2402/01Arev1 | 26/03/2025 |
| Outbuilding Floor Plans | 2402/01/GBrev1 | 26/03/2025 |

| Plan Type | Reference | Date Received |
|--|------------------|----------------------|
| Outbuilding Elevations | 2402/01/GA | 26/03/2025 |
| Drainage Layout | - | 26/03/2025 |
| Section Drawing | 2402/01cRev1 | 26/03/2025 |
| Design and Access Statement | - | 26/03/2025 |
| Tree Survey | 251343/A1_AIA | 21/05/2025 |
| Preliminary Ecological Appraisal dated 3 rd July 2024 | - | 26/03/2025 |
| Climate Change Statement | - | 02/04/2025 |
| Coal Mining Risk Assessment | 71009796765001 | 26/03/2025 |
| Application Form | | 26/03/2025 |

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 2015 and otherwise actively engaged with the applicant in dealing with the application. Further information relating to the impact upon trees was submitted as part of the application.

Report Dated: 6th June 2025