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:	**2025/62/91285/W**
Site Address:	24, Deighton Road, Deighton, Huddersfield, HD2 1UF
Description:	Formation vehicular access
Recommending Officer:	Joshua Merriman

DECISION - REFUSED

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

Emma Thompson

AUTHORISED OFFICER

Date: 4-Aug-25

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Officer Report – 2025/91285

Site Description

The application site refers to 24, Deighton Road, Deighton, Huddersfield, HD1 1UF, a two-storey terraced property faced in natural stone, with a pitched tiled roof, and uPVC windows and doors.

The application property lies within a uniform street scene, being surrounded by properties of a similar size, scale, character, appearance, and age. The site frontage is characterized by low stone walls and gate piers and is consistent in the street scene.

The dwelling benefits from amenity space to the front and rear, although it is noted that the front wall has been removed and hardstanding has replaced any soft landscaping.

Description of Proposal

The Scheme

The applicant is seeking permission for the formation of vehicular access.

Supporting Information

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

- Design and Access Statement
- Climate Change Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

There is no relevant planning history at the site.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (2024).

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was 25/07/2025.

An extension of time until 29/07/2025 has been agreed. This has since expired due to discussions with Kirklees Highways Development Management regarding highway safety.

Consultations

Kirklees Highways Development Management – informal – object due to impact on footway and safe use.

Allocation and Policy

The site is unallocated but within a Strategic Green Infrastructure Network 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
LP31 Strategic Green Infrastructure Network

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

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 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

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

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”.

Given the above, it is considered that the proposal is unacceptable in principle due to its design and therefore does not fulfil the relevant policies listed above.

2 – Impact on character and appearance of the area:

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 and 2 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.

The works to the front of the dwelling include the removal of the stone wall and gate piers in addition to the laying of hardstanding replacing any green/soft landscaping. It is noted that these works have already been undertaken without planning permission having been sought. The House Extensions and Alterations SPD deters the loss of soft landscaping and replacement all hardsurfacing as a negative design feature.

The loss of the front garden and its replacement entirely with concrete is harmful to the character of the host building and wider street scene. It is possible that the creation of hard landscaping could be undertaken without planning permission, however, there is no history that any lawful determination has been sought. Regardless, as the access is onto a classified road the formation of the access requires planning permission.

The walls and gateposts removed to facilitate access to the front of the site are considered a positive characteristic of the street scene. The repetition of these features at regular intervals create a sense of movement, pattern, and visual interest. The installation of the vehicular access to the front of the application property has resulted in removal of these thereby detrimentally impacting on visual amenity. The works are not in keeping with the character of the locality and result in a significantly detrimental impact on visual amenity to the host dwelling and to the frontage as well as disrupting the rhythm of the terraced row and character of this part of Deighton Road.

The works to facilitate access and parking are harmful to the character of the host and street scene, detrimental to visual amenity, not complying with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Section 12 of the NPPF.

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 Principle 3 states that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours

Key design principle 5 relates to overshadowing/loss of light and details that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.

Key design principle 6 seeks to ensure developments preventing overbearing impact and that extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Given the openness of the proposed development, it is considered that there will be no significant impact on overshadowing, loss of light, or overbearing onto neighbouring properties. Moreover, the footfall at the front portion of the application site will not increase significant to impact on the privacy of neighbouring occupants. Furthermore, all amenity space to the rear will remain, which is considered to be an appropriate amount of private outdoor space.

It is therefore considered that in terms of residential amenity, the proposed development would have an acceptable impact and comply with all relevant policies.

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. Of note is paragraph 5.15 of the Highways Design Guide SPD which refers to the dimensions of parking spaces. This sets out that spaces should be 5.6 metres where they are to the front of a garage unless there is a retractable door and in that instance the space should be 5.0 metres. These dimensions are to prevent vehicles overhanging the footway and are relevant to this application.

The hard-standing parking area to the front of the property measures a maximum 4.51m in depth, with part of the area restricted by steps to the front door. The required depth for parking to safely accommodate a vehicle is a minimum of 5.0 metres as set out in paragraph 5.15 of the Highway Design Guide SPD, as such Kirklees Highways Development Management have objected to the proposal on highway safety grounds. The depth of the space is not considered adequate to safely accommodate a vehicle and would result in vehicles overhanging the footway to the detriment of pedestrian safety and other road users.

Although the case officer noted that a vehicle was parked in the space at the time of the site visit, the vehicle was limited in size and does not alter the fact that the space formed would not meet the requirements set out in the SPD. As such, the development is not acceptable and would be detrimental to highway safety and cannot be supported contrary to the Highway Design Guide SPD, 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.

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.

There are no specific details within the submitted plans for the storage or presentation of waste. Any bin storage to the front will further restrict the parking of vehicles.

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 case 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

No representations have been received.

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 result in harm to highway safety and is therefore not sustainable development and is therefore recommended for refusal.

Recommendation **REFUSAL**

Decision Authorisation: Delegated Powers

Application Number: 2025/91285

Officer Recommendation: Refusal

Reason(s) for Refusal

1. The removal of the stone wall and gate piers, as well as the replacement of the front garden with hardstanding, is detrimental to the character of the host building and interrupt the repetition and rhythm of the street scene detrimental to visual amenity and character of the host and street scene contrary to Policies LP1, LP2, and LP24 of the Kirklees Local Plan, and Key Design Principle 2 and paragraph 4.43 of the House Extensions and Alterations SPD.

2. The parking space measures a maximum of 4.517 metres and is therefore of insufficient depth to accommodate a vehicle as set out in the Highways Design Guide SPD. The formation of parking would be harmful to pedestrians using the footway failing to accord with the requirements of Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the House Extensions and Alterations SPD, and Paragraphs 115 and 116 within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	DR01	-	29/05/2025
Existing Site/Block Layout	DR02	-	29/05/2025
Proposed Site/Block Layout	DR03	-	29/05/2025
Application Forms	-	-	29/05/2025
Climate_statement	-	-	29/05/2025
Design_statement	-	-	29/05/2025

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 beyond the scope of amendments for approval.

Report Dated: 29/07/2025