

**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:	2025/62/91577/E
Site Address:	land adj, 21, Westcliffe Rise, Cleckheaton, BD19 5HX
Description:	Erection of two semi-detached dwellings
Recommending Officer:	Emma Thompson

DECISION – CONDITIONAL FULL 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.

John Holmes

AUTHORISED OFFICER

Date: 6th February 2026

Officer Report

Site Description

Land adj, 21 Westcliffe Rise, Cleckheaton, BD19 5HX.

The site relates to a parcel of land within a residential area in Cleckheaton nestled between dwellings with 21 Westcliffe Rise to the east, and south Westcliffe Road to the west and north.

The land was previously covered in dense vegetation but has been cleared. Access has already been provided to the south of 21 Westcliffe Rise. The site slopes gently downwards from north to south.

The site is unallocated within the Kirklees Local Plan. The land surrounding the site is predominantly residential characterised by semi-detached, two storey dwellings and terraced properties.

The site is unallocated and located within a bat alert layer and a high-risk coal mining area.

Description of Proposal

The application is seeking permission for the erection of a pair of semi-detached dwellings.

This application follows the approval of 2024/90781 for two dwellings. The dwellings proposed under this submission are tucked adjacent to the existing semi-detached dwelling 21 Westcliffe Rise. Access is shown off the Westcliffe Rise hammer head.

The dwellings are semi-detached, two-storey with gabled roof and rear dormer, and shown to be quite narrow in footprint. They each have small single storey projections to the side and rear.

Access leads to parking to the front of each property with bin storage shown for each plot. The dwellings each have three bedrooms with kitchen and living room to the ground floor and private gardens to the rear.

History of Negotiations

The agent confirmed the distance to the first floor gable from rear of dwellings on Westcliffe Road is 12 metres.

Relevant Planning History

2024/90781 Erection of two dwellings - approved
2023/92494 Erection of 2 semi-detached dwellings. Withdrawn.

Preapplication advice has previously been provided.

Representations

The application has been advertised in accordance with the Council's Development Management Charter 2024.

15 comments have been received and are summarised below:

General Comment:

BNG information is incorrect

Objection:

- Scale increased from that approved
- Increase in density
- Materials (stone not render as previously approved), not brick built
- Longer properties will reduce light
- Overlooking from windows/door
- Three storeys
- Impinge 45 degree
- Reconsultation with neighbours should be carried out
- Subsidence due to proximity of development
- Precedent (refused two storey extension)
- Cumulative impact on infrastructure
- Increase traffic
- Pedestrian safety
- Demand for parking
- Disturbance during construction
- Access for delivery and construction vehicles
- Working hours

Consultation Responses

KC Environmental Health – comments taken from 2024/90781 as same information provided - no objections subject to conditions.

KC Highways – no objections.

The Coal Authority – no objections subject to conditions.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory

Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **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 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th 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.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

- **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 and Beautiful Places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other material planning considerations:

- Housebuilders Design Guide SPD
- Highways Design Guide
- Biodiversity Net Gain Technical Advice Note
- National Design Space Standards

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) 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 unallocated 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...”

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

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.

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate one to two dwellings. Two dwellings are proposed in this instance, which is considered appropriate given the proposal is for semi-detached dwellings and is similar to the density of the surrounding properties.

Paragraph 73 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a

good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

In respect of the above, the quantum 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 and beautiful 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 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 proposal is for a pair of semi-detached properties with gabled roof design which differs from the originally approved plans. The properties on Westcliffe Rise have hipped roof design and those to the west of the site are terraced. The site is nestled between the two and being tucked into the corner therefore the alternative design would not detract from either context. The dwellings are small and tucked round the corner therefore not being read within the street scene of Westcliffe Rise. Whilst smaller in width to the existing pairs of semi detached properties this is to afford space within the plot and to avoid conflict in terms of residential amenity.

Principle 5 of the House Builder's Design Guide SPD highlights the importance of buildings following a coherent building line. The northern section of Westcliffe Rise, in which the application site sits, has a staggered building line which responds to the pattern of the T-shaped highway. It is noted that the layout of the existing properties do not directly mirror one another within the wider street. The proposed development would be located in north-western corner of Westcliffe Rise. The dwellings proposed are shown at a slightly lower roof height to the adjacent properties which is acceptable. The siting of the dwellings allows space around the built form.

The dwellings incorporate dormers into the rear roof plane to facilitate accommodation in the roof space. Whilst there are no similar dormers on any nearby dwelling it is not an uncommon feature within urban areas. They would cover much of the rear roof space with limited area remaining. Due to the location the dormers would not be highly visible when viewed in context and as such, are on balance, acceptable.

Each plot shows small single storey additions to the western side and rear which are akin in scale to single storey extensions on properties in the vicinity of the site.

The properties in the surrounding area are predominantly finished in red brick with timber/UPVC clad features, although no.21 which is adjacent to the site is finished in off-white render as well as render features on properties to the north of the site. The development is proposed to be finished in natural stone with tile roof. As the surrounding buildings are brick it is considered that stone would be an alien material and as such a condition requiring brick is necessary to ensure the development better harmonises. In addition it is considered that any approval be subject to condition requiring the roof tiles to be a dark grey colour finish. Subject to condition the proposal is considered to be acceptable in terms of materials of construction.

Private amenity space is shown to the rear of each dwelling and parking spaces and bin storage to the front. Whilst there is a large area of hardstanding shown as access extending the existing highway this is, on balance, considered acceptable due to the presence of large hard surfaced driveways in the area.

It is therefore considered that the proposal would not cause significant harm to the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan, the aims of 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 mostly likely to be affected by the proposed development are 19 and 21 Westcliffe Rise, 48-62 Westcliffe Road and 66 Westcliffe Road. The impact upon these properties will be discussed below. However, the proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect. Of note, whilst there are a number of other properties near the site, the proposed dwelling would be ~21 metres from the surrounding properties.

Impact on 19 Westcliffe Rise

19 Westcliffe Rise is a two-storey, semi-detached dwelling located south of the application site. There is a detached garage located along the boundary adjacent to the application site. 19 Westcliffe Rise is set down from the application site due to the topography which slopes down from north to south. It is noted that there are some openings in the side elevation of no.19 which faces the application site.

The dwellings proposed do not entirely face the side elevation of number 19 and would look toward/over the garage. A distance of 20.74m is measured from the corner point of the new dwelling to the rear corner of 19. Adequate distance and space is afforded between the dwellings, particularly when affording weight to the existing relationship of number 21 which contains windows directly opposite 19. As such there would be no loss of privacy to the occupants or to their amenity space at the rear.

Impact on 21 Westcliffe Rise

21 Westcliffe Rise is a two-storey, semi-detached dwelling located east of the application site. There is a single storey extension, which projects ~3m, erected to the rear of no.21 which is not included on the submitted floor plans. There is a small opening in the side elevation of no.21 which faces the application site. This is likely to serve a bathroom window as it is obscurely glazed.

There would be a 3.0m separation between the proposed dwelling and the side elevation of no.21 which complies with Principle 6 of the Housebuilders Design Guide SPD. Only the single storey rear element of the dwellings would project beyond the rear elevation of no.21 which is not considered to result in harm to the amenity of the occupants of no.21, the orientation due west which means there would be minimal overshadowing harm.

Small openings are proposed in the side elevations of the proposed dwelling however these serve bathrooms/hall/utility avoiding overlooking harm. It would be conditioned that the upper floors are obscurely glazed throughout the lifetime of the development.

Impact on 48-62 Westcliffe Road

48-62 Westcliffe Road are a terrace of two-storey properties to the west of the application site. They step down from north to south following the topography of the site. The properties all have primary habitable openings in the eastern elevation which face the site.

The side elevation of the proposed development would face the rear of the properties on Westcliffe Road. There are openings proposed in the side elevation of the proposed dwellings which would serve a non-habitable spaces (utility, bathroom and ensuite). The two-storey element of the proposed dwellings is separated from the existing properties on Westcliffe

Road to achieve a distance of 12m to comply with the Housebuilders Design Guide SPD. It is noted that the single storey element would be closer to the neighbouring properties, however, given this single storey and retains a separation of around 9m this is considered acceptable on balance as it would not detrimentally impact the adjoining occupants. It is also noted that this relationship is not dissimilar from the existing relationship between 64 and 66 Westcliffe Road.

The openings at first and second floor level would be obscurely glazed, as outlined on the submitted plans. It would be conditioned that this opening remains obscurely glazed throughout the lifetime of development to ensure no overlooking harm occurs to the occupants of Westcliffe Road. The openings at ground floor level would be mitigated from the neighbouring property by the boundary treatment.

Impact on 66 Westcliffe Road

66 Westcliffe Road is a two-storey, detached property set to the north of the application site and orientated to face Westcliffe Road. The property has a single storey side extension which projects south towards the application site. This neighbouring property is set at a higher elevation than the application site which mitigates impact of the development proposed. There is an opening in the side of the dwelling that appears to light the staircase and another in the side of the single storey rear extension which appears to serve as a secondary opening. The proposed dwelling would remain 20m from the original side elevation of the dwelling and around 11m to the side extension. This is considered a sufficient distance taking into account the accommodation and topography of the site. As such, no material harm would be caused to the amenity of the occupants of no.66 as a result of the proposed development.

Amenity of the Proposed 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 accommodation provided is set over three floors with three bedrooms to each unit. The proposed dwellings exceed the minimum recommendations (108sqm) 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 proposed window would have sufficient outlook and natural light for the amenity of future occupants.

Taking the above into consideration the impact on residential amenity is considered acceptable on balance and it is considered that the proposed development 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 115 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.

A previous application for a two bedroomed dwelling and three bedroomed dwelling was approved in 2024. This application is now for 2.no three bedroomed dwellings. In highway terms previous comments apply to this application.

The access to the site has already been installed with the parking amended at no.21 Westcliffe Rise.

The site plan shows parking provision for four vehicles, which meets the parking guidelines.

Internal turning has been proposed to ensure vehicles can enter and leave the site in forward gear,

Secure cycle storage was previously proposed, and this should be provided again.

The approved vehicle parking areas will need to 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.

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Details of waste storage has been provided. However, a presentation point for collection should be provided, with the location of a waste collection presentation point being clearly marked on a drawing in such a location that is

easily accessible to the collection team and where it will not obstruct the parking, access, or the adopted highway for road safety reasons.

Details for waste storage requirements can be found in the document “Waste Storage and Collection Guidance for New Developments” which is available from waste.planning@kirklees.gov.uk. Or at <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>).

Outstanding matters can be secured by condition.

It is considered that the scheme set out as part of this application demonstrates acceptable access and parking arrangements for the dwellings and a condition requiring their suitable surfacing is undertaken is recommended in addition to a condition relating to waste storage arrangements.

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:

Ecology

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

The application is supported by a Preliminary Ecological Assessment and Biodiversity metric, both were submitted under the previously approved submission. Whilst updated reports have been requested by the LPA’s consultant ecologist it would seem unreasonable to seek new reports in this specific case. There is an extant permission that could be implemented and there is no reason why the application could have been dealt with as a variation and therefore exempt from further requirements. BNG is applicable

and the submitted information sets out the pre-development biodiversity value of on-site habitats as well as setting out that the required gain can be met on site through the planning of trees and hedgerow. As such, the statutory requirements can be met through condition of the Environment Act and will be imposed as a footnote on the planning decision, this requires discharging prior to development commencing.

In addition to BNG requirements it is considered relevant to request that bat and bird boxes are incorporated into the development scheme.

Subject to conditions, the proposal is considered to comply with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the NPPF and the Environment Act 2021.

Contaminated Land (comments repeated following assessment under 2024/90781)

A Phase 1 Environmental Desk Study and Coal Mining Risk Assessment Report by RGS ref: C3383/23/E/5124, dated 26/05/2023 has been submitted in support of the application. KC Environmental Health officers were consulted on the proposed scheme.

A site walkover was conducted on the 19th of May 2023, some rubble from the demolition of former garages were noted on site. The Phase I report provides an in-depth appraisal of the site history and previous surrounding land uses, since the 1890. A former refuse tip has been identified close to the site. The Coal Mining Report included with the report identifies possible coal at shallow depths and two mine entries within 100m of the site.

The Phase I report then presents a basic preliminary conceptual model, this indicates that there is a potential for contamination to pose a risk to the development. The report concludes by giving recommendations for intrusive investigation and Phase II report.

Officers acknowledge the report and would expect that any future intrusive investigations and ground gas monitoring be undertaken in accordance with best practice guidance. Conditions for further site investigations are therefore recommended.

The application site falls within the defined Development High Risk Area. As such the applicant was required to submit a Coal Mining Risk Assessment and The Mining Remediation Authority were consulted. They concur with the recommendations of the Phase 1 Environmental Desk Study & Coal Mining Risk Assessment that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Conditions are therefore recommended to this effect. As such, the proposal complies with LP51 and LP52 of the Kirklees Local Plan.

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.

The two new residential dwellings within the site are required to provide one electric vehicle charging point for each dwelling to aid in the contribution to climate change. This is a legislative requirement and as such does not require a separate condition.

6 – Representations:

- Scale increased from that approved
Response: The scale and design has been assessed against relevant policies and is considered acceptable for the reasons outlined in the report. The proposal would not detract from the character of the area.
- Increase in density
Response: The provision of two dwellings is in accordance with policy taking into account the context and constraints of the site.
- Materials (stone not render as previously approved), not brick built
Response: It is considered suitable materials can be secured by inclusion of an appropriately worded condition.
- Longer properties will reduce light
Response: A full assessment of impact upon the amenity of nearby occupants has been undertaken. The scheme will not result in a loss of amenity as a consequence of scale and mass and relationship to surrounding properties.
- Overlooking from windows/door
Response: The relationship of openings to nearby development has been assessed. Where necessary and appropriate a condition requiring obscure glazing is imposed.
- Three storeys
Response: The design of the dwellings facilitates accommodation set over three floors with the third being provided in the roof space. This

arrangement is usual of properties in urban areas and provides efficient use of land/space. There are dormers present in the locality and therefore the details are considered acceptable..

- Impinge 45 degree
Response: The impact of the dwellings on adjoining occupants has been assessed. The buildings are positioned to avoid detrimental impact on existing occupants. The alignment of each dwelling is similar to the neighbour. Whilst the single storey rear element projects beyond the neighbour it is not considered to result in overshadowing or material impact due to the scale and orientation as well as space maintained.
- Reconsultation with neighbours should be carried out
Response: The application was advertised in accordance with the Development Management Charter 2024 which incorporates the requirements of publicity for planning applications as set out in legislation. Comments received have been considered.
- Subsidence due to proximity of development
Response: Material planning considerations including liaison with the Mining Remediation Authority and Environmental Health have been carried out. Any outstanding matters in this respect are to be conditioned. The site is not steeply sloping and will not require any retaining structures. As set out at paragraph 197 of the NPPF 'responsibility for securing a safe development rests with the developer and/or landowner'.
- Precedent (refused two storey extension)
Response: The development proposed has been assessed on its merits. For the reasons outlined the proposals are considered acceptable. Amenity was cited as the reason for refusal. Each development/site is considered on its merits.
- Cumulative impact on infrastructure
Response: The development is for two dwellings and does not require specific measures in respect of infrastructure.
- Increase traffic
Response: The application has been assessed by KC HDM and does not raise any concerns regarding highway safety.
- Pedestrian safety
Response: The application has been assessed by KC HDM and access and parking requirements are acceptable and are not considered to result in any concerns regarding pedestrian safety.

- Demand for parking
Response: The site is tucked into a corner off a cul de sac. KC HDM have been consulted and raised no objections.
- Disturbance during construction/Working hours
Response: This is not a material planning consideration for a development of this scale. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. A footnote will be added to the decision notice further advising.
- Access for delivery and construction vehicles
Response: Due to the scale of development, no further details regarding access/construction are required. KC Highways DM have raised no objections and have not made any specific recommendations regarding such vehicles.

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: 2025/91577

Officer Recommendation: Approve

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.

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 Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The dwellings hereby approved shall not be occupied until all areas indicated to be private drives and parking areas are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

4. A bird and bat box shall be incorporated into each dwelling during the construction phase; the boxes shall be long-lasting Schwegler 'woodcrete' type or Schwegler Bat Wall System 3FE or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The boxes shall be provided prior to first occupation of the dwellings 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 SPD and Chapter 15 of the National Planning Policy Framework.

5. Before development of the superstructure commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interest of highway safety and waste management and to accord with LP24 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre commencement condition is required To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: A pre commencement condition is required to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: A pre commencement condition is required to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

10. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

- a) 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 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

11. 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 safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

12. Notwithstanding the submitted plans and information, the dwellings hereby approved shall not be occupied until, full details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interests of visual amenity and to preserve the character of the historic environment in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 of the National Planning Policy Framework.

13. The development shall not be occupied until the openings in the side elevation of the development hereby approved has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

14. Notwithstanding the submitted details the dwellings shall be constructed of brick to match the dwelling at 23 Westcliffe Rise and roof tiles of a dark grey colour finish. The development shall be completed using these materials and thereafter be retained.

Reason: To ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

NOTE: It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof

- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to 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: It is the applicant’s responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice

- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	Blackwells 1:1250		30 th June 2025
Proposed plans	25/63/1		30 th June 2025
Proposed plans	25/63/2		30 th June 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 Planning Authority has, 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.

