

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

|                       |                                                                              |
|-----------------------|------------------------------------------------------------------------------|
| Reference No:         | <b>2025/62/91639/W</b>                                                       |
| Site Address:         | 40, Bradford Road, Fartown, Huddersfield, HD1 6JE                            |
| Description:          | Erection of 3 storey extension and alterations to form student accommodation |
| Recommending Officer: | Nicole Helliwell                                                             |

**DECISION - REFUSE**

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 15 October 2025

## **Officer Report**

**Reference No.** 2025/62/91639/E

**Site Address:** 40, Bradford Road, Fartown, Huddersfield, HD1 6JE

**Proposal:** Erection of 3 storey extension and alterations to form student accommodation.

## **Site Description**

The application relates to 40 Bradford Road, a residential property situated in Fartown, Huddersfield. The property is located within the Hillhouse Local Centre on the Kirklees Local Plan. The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

## **Description of Proposal**

The applicant is seeking planning permission for erection of a 3 storey extension and alterations to form student accommodation. The details of the proposal are summarised below:

- Three Storey Extension (projection approx. 7m, maximum height approx. 9.2m and eaves height approx. 8.4m)
- Alterations to fenestration within the front elevation of the building
- Installation of external staircase (projection approx. 4.1m & height approx. 2.8m)

## **Relevant Planning History**

- **2024/92548:** Change of use of dwelling to 7 bed House of Multiple occupation including erection of 3 storey extension and associated alterations'. [Planning application details | Kirklees Council](#) – Refused
- **2024/91863:** Erection of extensions and alterations to form 10 student bedsit with 3 shared areas. – Withdrawn – Invalid
- **2023/93582:** Erection of extensions and alterations to form 10 student bedsit with 3 shared areas. – Withdrawn – Invalid
- **2023/90350:** Erection of three storey extension, internal and external alterations to dwelling to form student accommodation. – Withdrawn – Invalid
- **90/05157:** Erection of 2-storey extension. [Planning application details | Kirklees Council](#) – Conditional Full Permission

## **Representations**

The application was publicised by site notice, which expired on 28<sup>th</sup> July 2025. As a result of the above publicity, no representations have been received.

## **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Waste Management – No objection subject to recommended conditions

The Mining Remediation Authority – No objection subject to recommended conditions

KC Highways Development Management – No objection

KC Ecology – A Preliminary Bat Roost Assessment is required pre-determination.

### **Planning Policy Background**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is Located within the Hillhouse Local Centre on the Kirklees Local Plan Proposals Map and is located within the Strategic Green Infrastructure Network. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 11** - Housing Mix and Affordable Housing
- **LP 13** - Town Centre Uses
- **LP 15** - Residential Use in Town Centres
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 27** - Flood Risk
- **LP 28** - Drainage
- **LP 30** - Biodiversity and Geodiversity
- **LP 31** - Strategic Green Infrastructure Network
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 6** - Building a Strong, Competitive Economy
- **Chapter 7** - Ensuring the Vitality of Town Centres
- **Chapter 9** - Promoting Sustainable Transport
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

**Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021) - Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

**Assessment**

**1. Principle of Development**

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Chapter 7 of the NPPF relates to ensuring the vitality of town centres and states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 90(f) of the NPPF states that it should be recognised that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

The site is Located within the Hillhouse Local Centre on the Kirklees Local Plan and therefore, Policy LP13 of the Kirklees Local Plan is relevant. The policy encourages development that supports a strong, diverse economy that serves the local community by encouraging the vitality and viability of existing town centres. Paragraph 90 of the National Planning Policy Framework supports a mixed-use town centre that includes housing to grow and strengthen town centres.

Policy LP15 of the Kirklees Local Plan relates to residential use in town centres. Proposals for residential uses within the defined town centres as set out on the Policies Map will be supported subject to:

- a. the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;*
- a. the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;*
- b. the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,*
- c. the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;*
- d. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;*
- e. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;*
- f. provision of affordable housing in accordance with policies set out in the Local Plan; and*
- g. the provision of refuse storage and collection*

The proposal is for the erection of three storey extension and alterations to form student accommodation within Fartown, Huddersfield. The site is within a sustainable location close to public transport links, services, facilities and amenities. Whilst the proposal would be sited within a local centre, it would not result in the loss of an established commercial use. On this basis, the proposal would accord with the aims of LP7, LP13 and LP15 of the Kirklees Local Plan.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

### **1. Impact on Visual Amenity**

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

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

#### Three Storey Rear Extension

The proposed three storey extension would project approximately 7m from the rear elevation of the property. The enlargement would have an overall height of approx. 9.2m and an eaves height of approx. 8.4m. The extension would be faced in natural stone and would incorporate a mono-pitched roof finished in Grey slate to match the appearance of the host property. Although the enlargement would feature a lower ridge line, due to its design, scale and massing, the extension would lack subservience to the original dwelling and would be an incongruous addition. Furthermore, the extension would alter the scale and form of the original build and would fail to integrate with the host dwelling. On this basis, it is considered that the proposal would unduly harm the character and appearance of the host property and surrounding area and cannot be supported in terms of visual amenity.

1. The proposed three storey extension, by reason of its design, scale and massing, would lack subservience to the original dwelling and would be an incongruous addition to the host dwelling, which would be harmful in terms of visual amenity. The proposal would therefore fail to accord with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

#### Alterations to fenestration

It is noted that alterations would be made to the fenestration within the front elevation of the property. The submitted plans confirm that the existing front entrance would be removed and blocked up and the existing entrance to the alleyway would be raised to align with the ground floor level of the building with stepped access. Given that the alterations proposed would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposal would respect the visual amenity of the host building and the surrounding area.

#### External Staircase

An external staircase would be erected to the rear elevation of the proposed three storey extension to provide access to the rear yard. The staircase would project approximately 4.1m and would have an overall height of approx. 2.8m. However, given its siting, the staircase is not considered to have any significant visual impact on the character and appearance of the street scene.

#### Summary

Having taken the above into account, the proposed development would cause significant harm to the visual amenity of the wider street scene and would fail to comply with Policy LP24 of the Kirklees Local Plan, guidance within the Kirklees Housebuilders Design Guide SPD and the aims of Chapter 12 of the National Planning Policy Framework.

## **2. Impact on Residential Amenity of Neighbouring Residents**

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

#### Impact on 42 Bradford Road

42 Bradford Road is a residential property located north of the application site. The submitted plans confirm that the proposed three storey rear extension would extend beyond the rear elevation of no.42 by approximately 2.5m and would fail to comply with the 45 degree rule in relation to the neighbour's rear fenestration. Therefore, it is considered that the proposal would result in an overbearing and overshadowing form of development due to its scale, siting and design. As such, the harm caused to this neighbour would be detrimental and cannot be supported in terms of residential amenity.

#### Impact on 17a and 19 Calton Street

17a and 19 Calton Street are residential properties located to the east of the application site. It is noted that the proposed three storey rear extension would occupy a position approximately 10.4m from the rear elevation of

no.17a and approx. 12.2m to the rear elevation of no.19. It is considered that the separation distances between habitable rooms would be insufficient and the proposal would therefore give rise to an unacceptable overlooking relationship. As such, the harm caused to these neighbours would be significant and cannot be supported in terms of residential amenity.

#### Impact on 38 Bradford Road

38 Bradford Road is the adjoining property located south of the application site. The submitted plans demonstrate that the proposed three storey rear extension would surpass the rear elevation of no.38 by approximately 2.3m and would fail to accord with the 45 degree rule in relation to the neighbour's rear fenestration. Therefore, it is considered that the proposed development would have an overbearing and overshadowing impact due to its scale, siting and design. As such, the harm caused to this neighbour would be detrimental and cannot be supported in terms of residential amenity.

#### Summary

Having considered the above factors, the development proposed would result in an unacceptable overbearing and overshadowing impact on the occupiers of no.38 and no.42 Bradford Road and an unacceptable overlooking impact upon the residential amenity of the neighbouring occupants at 17a and 19 Calton Street, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

### **3. Impact on Residential Amenity of Future Occupiers**

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

*'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24.'*

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The government standard 'Nationally Described Space Standards' document (March 2015) serves as an adequate guide to support LP24 in ensuring that basic lifestyle needs are met and to provide high standards of amenity for future occupiers.

The proposed units are to be student accommodation and therefore would not form 'primary' residences. Therefore, in this instance, the National Described Space Standards would not be applicable.

#### **4. Impact on Highway Safety**

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application seeks approval to the erection of three storey extension and alterations to form student accommodation at 40 Bradford Road in Fartown, Huddersfield. As such, KC Highways Development Management have been formally consulted on the proposed scheme.

The application site is located on the eastern side of A641 Bradford Road within approximately 400m of Huddersfield Ring Road and the town centre. The proposal is to convert the existing 5 bedroomed terrace house into 10 bedroomed student accommodation. Given the sustainable location close to Huddersfield Town Centre, KC Highways Development Management have no objection to these proposals.

On this basis, it is 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, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

#### **5. Other Matters**

##### 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

#### Coal Mining Legacy

The application site falls within the defined Development High Risk Area. The application is accompanied by a Coal Mining Risk Assessment report (dated October 2025, reference no. A6303/24/CMRA). This report is marked 'draft' and was produced to inform a 'proposed basement for an existing residential structure'. Nevertheless, the assessment of coal mining risk affecting the site was considered acceptable by the Mining Remediation Authority's Planning & Development Team in the context of previous application 25/10902/F for the change of use of the existing building to an HMO and the erection of a three storey extension.

The Mining Remediation Authority's Planning & Development Team notes the conclusions of the supporting Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the development at the site and that investigations are required, along with possible remedial and mitigatory measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted, officers would recommend that conditions are included within the decision notice.

#### Contaminated Land

The development site sits amongst land that has been identified as potentially contaminated. Therefore, should the application be approved, a condition is recommended for any unexpected contamination found during the course of construction.

#### Noise

Officers have concerns about road traffic noise affecting the amenity of the occupiers. Therefore, should the application be approved, a condition is recommended for the submission of a noise assessment.

#### Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

#### Biodiversity Net Gain

The application form states that the development would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

### Ecology

There are priority habitats of woodland and grassland within 1km of the site and also a waterbody within 1km of the site. Several records for protected and priority species and habitats are present within 1km of the site. The building itself seems to have some bat roosting features (loose tiles, etc.). As such, KC Ecology have confirmed that further information is required pre-determination. A retrospective Preliminary Bat Roost Assessment is therefore required prior to decision to assess the site habitats, the likely presence of protected and/or priority species, and the value of site habitats to protected and/or priority species.

### Drainage

The site is within Flood Zone 2 and within 20m of the culverted Grimescar Dike. Kirklees Council Flood Mapping indicates that surface water flooding to a depth of 0.9 to 1.2m for a 1 in 100 year rainfall event is possible. It is noted that the proposed basement arrangement shown on the Proposed Floor Plans drawing indicates that the basement floor level will be converted into 3 bedrooms and a shared kitchen. Although there is a means to escape to the upper floors in the event of flooding, there is a serious risk that residents could be asleep and unaware of the potential danger. Therefore, officers considers that the risk to life for residents occupying the basement level bedrooms is unacceptable.

On the basis of the above, the proposal is contrary to Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

### Waste

Waste Principle 19 of the Housebuilders Design Guide SPD outlines how provision for waste storage and recycling should be incorporated into the design of new developments. The application relates to 10 apartments. The development is entitled to 2 x grey 240ltr bins and 1 x green 240ltr bin. It is not clear from the plans where these bins are going to be stored on site. As

such, the application provides insufficient information to demonstrate that a satisfactory layout could be provided on site which allows for the storage of waste. On this basis, the development proposed would be contrary to with Policies LP21 and LP24 of the Kirklees Local Plan, Principle 19 of the Council's Housebuilders Design Guide SPD, and the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

## **6. Representations**

No representations were received during the course of the application.

## **7. Negotiations**

No amendments were sought or received during the course of the application.

## **Conclusion**

This application for the erection of a 3 storey extension and alterations to form student accommodation at 40 Bradford Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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 development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation:            Refuse**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2025/91639

**Officer Recommendation:** Refuse

**Reasons for Refusal:**

1. The proposed three storey extension, by reason of its design, scale and massing, would lack subservience to the original dwelling and would be an incongruous addition to the host dwelling, which would be harmful in terms of visual amenity. The proposal would therefore fail to accord with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. The proposed three storey extension, by virtue of its scale, siting, and design, would result in an unacceptable overbearing and overshadowing impact on the occupiers of no.38 and no.42 Bradford Road and would lead to a detrimental level of overlooking to the occupiers of no. 17a and no. 19 Calton Street. To permit the development would be contrary to Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

3. The applicant has failed to demonstrate, through submission of a Preliminary Bat Roost Assessment, whether protected species would be affected by the development. The proposal is therefore contrary to Policies LP30 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. The applicant has failed to demonstrate that a satisfactory layout could be provided on site which allows for the adequate storage of waste for the residential use. As such, the development proposed would be contrary to with Policies LP15, LP21 and LP24 of the Kirklees Local Plan, Principle 19 of the Council's Housebuilders Design Guide SPD, and the National Planning Policy Framework.

5. The application site is located within Flood Zone 2 and within 20m of the culverted Grimescar Dike, and Kirklees Council Flood Mapping indicates that surface water flooding to a depth of 0.9 to 1.2m for a 1 in 100 year rainfall event is possible. The proposed development, by virtue of its layout, would result in a flood risk to future residents occupying the basement level, and no measures have been proposed to mitigate this risk. As such, the proposal is contrary to Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

**Plans and specifications schedule: -**

| <b>Plan Type</b>                  | <b>Reference</b> | <b>Revision</b> | <b>Date Received</b> |
|-----------------------------------|------------------|-----------------|----------------------|
| Location Plan                     | PP-14097435v1    | -               | 16/06/2025           |
| Existing and Proposed Block Plans | 0007 BLOCK       | 0               | 16/06/2025           |
| Existing Front/Rear Elevation     | 001-EX-1001      | 0               | 16/06/2025           |
| Existing Side Elevation           | 002-EX-1002      | 0               | 16/06/2025           |
| Existing Floor Plans              | 004-EX-1004      | 0               | 16/06/2025           |
| Existing Roof Plan                | 005-EX-1005      | 0               | 16/06/2025           |
| Proposed Front/Rear Elevation     | 001-PP-1001      | 0               | 16/06/2025           |
| Proposed Side Elevation           | 002-PP-1002      | 0               | 16/06/2025           |
| Proposed Side Elevation           | 003-PP-1003      | 0               | 16/06/2025           |

| <b>Plan Type</b>                               | <b>Reference</b> | <b>Revision</b> | <b>Date Received</b> |
|------------------------------------------------|------------------|-----------------|----------------------|
| Proposed Floor Plans                           | 004-PP-1004      | 0               | 16/06/2025           |
| Proposed Roof Plan and Location Plan           | 005-PP-1005      | 0               | 16/06/2025           |
| Proposed Side Elevation                        | 002-PP-1002      | 0               | 16/06/2025           |
| Flood Risk Assessment for Proposed Development | -                | -               | 16/06/2025           |
| Coal Mining Risk Assessment                    | A6303/24/CMRA    | -               | 16/06/2025           |
| Climate Change Assessment                      | -                | -               | 16/06/2025           |

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 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.

Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. In this instance, the alterations required would be beyond the scope of the application. The agent was provided the opportunity to submit amendments, however, no revised drawings were received.

**Report Dated: 10/10/2025**

