

# **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>2025/62/92026/W</b>                                     |
| Site Address:         | 142, Church Street, Paddock, Huddersfield, HD1 4UN         |
| Description:          | Formation of vehicular crossing including associated works |
| Recommending Officer: | Joshua Merriman                                            |

#### **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.**

Danielle Cooper

***AUTHORISED OFFICER***

**Date: 26-Sep-2025**

## **Officer Report – 2025/92026**

### **Site Description**

The application site refers to 142, Church Street, a two-storey terraced property faced in stone, with a pitched gable tiled roof, and uPVC windows and doors. The dwelling lies in a relatively uniform street scene, with surrounding buildings being of a similar size, scale, character, appearance, and age, with uses differing from residential and commercial. Furthermore, the property benefits from a hard-standing parking area to the front, which is a focus of this application, and amenity space to the rear.

### **Description of Proposal**

#### *The Scheme*

The applicant is seeking permission for the formation of vehicular crossing including associated works.

### **History of Negotiations / Amendments Received**

No amendments have been requested by Officers.

### **Relevant Planning History**

There is no relevant planning history at the application site.

### **Representations**

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 12/09/2025.

### **Consultation Responses**

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

KC Highways Development Management (informal)– No objections.

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

## **Allocation and Policy**

The site is allocated in an area with history of swift nesting records within the Kirklees Local Plan (adopted 2019). The site is also located adjacent to a C road.

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

### *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
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. 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 acceptable in principle and fulfils 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’*.

The proposed vehicular access to the front of the dwelling is not considered to significantly impact the visual amenity of the street scene, with there being other dropped kerbs present within the immediate area. The proposal is therefore not considered to be harmful to the host building or the area’s visual amenity.

As a result, the proposal is considered to be acceptable with regard to visual amenity, complying with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, 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 nature of the proposed development, the proposed vehicular access is not considered to result in any adverse impact to residential amenity of neighbouring properties.

It is noted that the application site hard surfaced their front garden area around 2021 to provide on site parking. As the site benefits from a rear yard area, the site will retain 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.

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.

Although nothing specific is detailed within the submitted plans, it is considered that there is adequate space on site for waste storage.

As there are no changes to the hard-standing parking area on site itself, or the number of bedrooms in the dwelling, it is considered that the parking provision on site is acceptable to remain as current. Furthermore, following an informal consultation with KC Highways Development Management, there are no objections on highway safety grounds as the neighbouring property has also installed a vehicular crossing. A section 184 agreement will need to be entered by the applicant for the dropped kerb.

It is therefore considered that in terms of access and highway safety/parking the proposed extension would comply with 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.

#### **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 swift nesting area, the proposal relates to a vehicular access and as such, there are no concerns to the proposed development impacting on habitats. The proposal is therefore considered 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 constitute sustainable development and is therefore recommended for approval.

**Recommendation  
PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number: 2025/92026**

## **Officer Recommendation:** Conditional Full Permission

### **Conditions**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Highways Asset Management Team at [vehicle.crossing@kirklees.gov.uk](mailto:vehicle.crossing@kirklees.gov.uk) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution

Plans and specifications schedule:-

| <b>Plan Type</b>                  | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|-----------------------------------|------------------|----------------|----------------------|
| Location Plan                     | -                | -              | 01/08/2025           |
| Site and Boundary Block Plan      | PCD00216         | -              | 01/08/2025           |
| Existing and Proposed Layout Plan | PCD00215         | -              | 01/08/2025           |
| Application Forms                 | -                | -              | 01/08/2025           |

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 acceptable as submitted.



**Report Dated:**

26/09/2025