

**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:	2025/62/92396/W
Site Address:	rear of, 14, Lincroft Avenue, Dalton, Huddersfield, HD5 8DS
Description:	Erection of detached dormer bungalow
Recommending Officer:	Joanna Rednall

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: 29 October 2025

Officer Report

2025/92396 - rear of, 14, Lincroft Avenue, Dalton, Huddersfield, HD5 8DS

Site Description

The site relates to an area of garden space to the rear of no.14 Lincroft Avenue, Dalton. No.14 is a single storey property located in an area with a mix of property type and design. To the north of the site are single storey dwellings which are semi detached. To the south and east of the site are terraced two storey dwellings.

Description Proposal

The applicant is seeking planning permission for erection of detached dormer bungalow.

The proposed dwelling will measure around 7m in width, 9.5m in depth, 3.6m at eaves height and 6.6m to the ridge. The building is finished in a combination of brickwork and an off-white render with the roof finished in grey interlocking tiles.

The ground floor serves a kitchen/dining area, living area, bathroom and utility and the first floor serves two bedrooms, two en-suites and a store room.

To the front of the dwelling is a driveway and small lawned garden.

Amendments/Negotiations

No amendments were requested, as it was considered that they would not sufficiently address or mitigate the harm caused by the development.

Public Representations

The application was advertised by a site notice, which expired on 23rd October 2025. As a result of the publicity, 7 representations have been received summarised below:

Letters of objection

- The proximity of the dormer bungalow would be very close to neighbouring properties, resulting in overlooking and overshadowing.
- The new dwelling will block natural light to the homes on Felcote Avenue and will block sunlight to neighbouring gardens.
- The parking on Earles Avenue is already bad and adding another house will only add to this problem
- Building a house on this land would benefit the houses at the end of Lincroft Avenue.
- Felcote is higher than Lincroft meaning their downstairs windows look directly into the upstairs windows on Lincroft. Having a house in between would solve privacy issues and would not cause any issues like parking or blocking sun.

Letters of support

- The proposed dwelling would be located where a large derelict garage used to be. Given the proposed elevations on the plans, this will make very little difference compared to the structure that was previously there, so there would not be a substantial impact on privacy.
- The windows of the dwelling are deliberately positioned to avoid overlooking
- Given the fact the owner has already transformed the run-down number 14 into a more energy efficient and visually appealing property (which only increases the aesthetics of the neighbourhood) I do think that building another home on the currently disused piece of land could also further add to this sense of character and improve aesthetics.
- The dwelling has been designed so that the roof is sloping away from all the neighbouring houses to prevent overshadowing and the dormer is on the front looking onto Earls Avenue

These comments will be assessed throughout the application and concluded within the *Representation* section of the report.

Consultation Response

KC Highways – Objection. There is insufficient parking to serve the new dwelling.

KC Ecology – Recommended conditions subject to approval, as well as submission of a Preliminary Ecology Appraisal and BNG Assessment. Further

information was not requested from the applicant as the application was recommended for refusal on visual, residential and highway grounds.

Relevant Planning History

- 2024/90450: Erection of single storey side and rear extensions: Approved 25th April 2024.

Policy & Legislation

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 27th February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP51** – Protection and improvement of local air quality
- **LP53** – Contaminated and unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first

launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 11** – Making efficient use of land
- **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 Material Considerations

- Kirklees Highways Design Guide SPD (2019).
- Kirklees Housebuilders Design Guide SPD (2021).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Gov Uk Biodiversity Net Gain Technical Guidance (2023).

The following matters are considered in the assessment below –

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Issues
- 5) Representations
- 6) Conclusion

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 assessed.

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...”

New Dwellings

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

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

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but

this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment.

In this case, one additional unit would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places. Therefore, a balance will be formed, within this assessment, against the benefits one dwellings would bring.

Impact on Visual Amenity

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.”

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 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the 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 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by Principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

The proposal seeks to erect a dormer bungalow within an existing rear garden area measuring approximately 200m². According to the submitted site plan, the footprint of the proposed dwelling would be approximately 62m². The layout includes a driveway and a small lawned garden to the front, with a footpath along the side elevation leading to a designated bin store.

The dwelling features a hipped roof design with a large, pitched roof element and a smaller flat-roofed dormer to the front. While the architectural style attempts to reflect a modest bungalow form, the overall scale, massing, and proportion of the development are considered excessive in relation to the plot.

Specifically, the proposed built form spans approximately 6.6 metres in height and occupies a significant portion of the site's depth, leaving very limited space around the property. The resulting development appears overly dominant within the plot, with vertical massing that does not respond sympathetically to the surrounding context. Furthermore, the proposed parking arrangement to the front and side appears constrained and poorly integrated, contributing to a contrived layout.

As a result of its size, layout, and massing, the proposed dwelling is considered to represent a cramped form of development that constitutes overdevelopment of the site. Even with a reduced footprint, it is considered

that a dwelling in this location would appear incongruous and out of keeping with the established character of the area.

The back-to-back distance between the neighbouring dwellings at 14 Lincroft Avenue and 15 Felcote Avenue is approximately 23 metres. The positioning of the proposed dwelling between these properties would disrupt the established spatial rhythm and openness typical of the area. Consequently, the development would appear at odds with its surroundings and fail to assimilate into the existing street scene.

Given these factors, the proposed development is not considered to respect the scale, form, or setting of nearby buildings and would fail to preserve the character of the locality.

The proposed dwelling includes predominantly hardstanding to the front and side of the property, with a modest area of soft landscaping to the front measuring approximately 2.8 x 3 metres. This space is also intended to serve as the main external amenity area for the dwelling. As proposed, the frontage would be largely dominated by hard surfacing, resulting in a vehicle-dominated appearance that would sit somewhat at odds with the character of the surrounding street scene. While it is recognised that the design of the dwelling limits the available options for off-street parking, this reflects the overall constraints of the plot, which does not comfortably accommodate a layout that balances car parking provision with proportionate soft landscaping in a visually sympathetic way.

The proposed windows and doors are of a traditional design, incorporating smaller openings at ground level with two larger windows proposed within the front dormers. This window style is consistent throughout the dwelling and includes the addition of three rooflights on the rear roof slope. However, when considered in the context of the prevailing character and appearance of neighbouring dwellings, the scale and design of the dormers are considered overly large and visually intrusive. Front dormers are not a characteristic feature within the surrounding street scene, and as such, the proposed fenestration would appear incongruous within its setting. As submitted, the proposal is not considered to comply with Principle 14 of the Council's Design SPD, which seeks to ensure that new development responds positively to local character and reinforces the established pattern of development.

The proposed materials of brick and render would be in keeping with the design of the two-storey semi-detached properties opposite, and in general in keeping with the material palette of the locality. Nonetheless this would not overcome the overall harm of the proposal identified above

Having taken the above into account, the proposed development is considered to not be in keeping with the local character of the area and would therefore cause significant harm to visual amenity, failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, Principle 2 of the Housebuilders Design Guide SPD and the aims of chapter 12 of the National Planning Policy Framework.

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.

Overlooking and privacy

In terms of the impact of the proposed development on the privacy of neighbouring properties, the submitted plans indicate several openings: ground and first-floor windows to the front elevation, one ground-floor window on each side elevation, and three rooflights within the rear roof slope.

Given the overall layout and positioning of these openings, officers do not consider the proposal to give rise to significant overlooking or unacceptable harm to the privacy of neighbouring occupiers. The side-facing ground floor windows are located in relatively close proximity to existing neighbouring dwellings (approximately 7 metres from the rear elevations of properties on Felcote Avenue and around 8 metres from the rear elevation of No.14 Lincroft Avenue). However, views from these windows would be limited by boundary treatments. While precise details of such boundary screening have not been submitted, they have not been requested in this instance given the wider concerns regarding the principle and design of the development. However, it is anticipated that typical boundary treatments such as fencing would provide sufficient screening to prevent any undue overlooking from ground-floor windows.

With regard to the three proposed rooflights on the rear roof slope, these would face towards No.16. However, given their positioning within the roof and typical upward-facing orientation, it is not anticipated that they would offer direct or harmful views towards neighbouring properties. As such, they are not considered to result in any significant loss of privacy.

Taking these factors into account, the proposal is considered to be acceptable in terms of its impact on neighbouring privacy and would not give rise to unacceptable levels of overlooking.

Overbearing and overshadowing

The proposal seeks to erect a dwelling with a ridge height of approximately 6.6 metres, positioned along the shared boundary with No.16 and the side boundary adjacent to an existing alleyway. The submitted plans indicate that the development would maintain a separation distance of approximately 8 metres to the rear elevation of No.14 Lincroft Avenue, 5.6 metres to No.16 Lincroft Avenue, and a minimum of 7 metres to the rear elevations of Nos. 15, 17, and 19 Felcote Avenue.

It is also important to note the topography of the surrounding area. The dwellings along Lincroft Avenue are set at a lower ground level relative to the application site and are single storey in height. The properties on Felcote Avenue are predominantly two-storey terraced dwellings, situated on higher ground.

The proposal would introduce additional vertical and horizontal massing to the rear and sides of the application site, primarily due to the footprint and roofline of the new dwelling. The Kirklees Housebuilders Design Guide SPD states a 2.0m distance of separation should be provided between the side elevation and boundary, which is not achieved as part of this proposal. Although a

hipped roof design has been incorporated to help reduce the bulk of the tallest section adjacent to the rear and side boundaries, the overall scale remains substantial. Given the drop in ground levels from the application site down to Nos. 14 and 16 Lincroft Avenue (both single-storey dwellings), this change in topography significantly amplifies the visual impact of the proposed development. Due to its scale and proximity, the new dwelling would impose an enclosing and overbearing impact on adjacent properties. Consequently, officers consider that the proposal would create a detrimental overbearing effect on the occupants of Nos. 14 and 16, exacerbated by the combination of the dwelling's height, massing, and the sloping land levels. This impact would adversely affect the amenity of these properties which officers would consider unacceptable in this regard.

In terms of neighbours on Felcote Avenue, as set out above these properties are two-storey in height and situated at a higher ground level. The proposal would nonetheless result in additional bulking and massing along the side boundary, although this is separated by an alleyway access point running along the rear of these terraces. When looking at the overbearing/overshadowing impacts, officers consider the proposal would lead to harm to occupants of these properties, specifically upon No.15 and 17.

Given the south-easterly position of No.15 and 17 in relation to the new dwelling, officers consider the proposal would lead to some loss of light and overshadowing. It has been assessed that this would fall on the rear gardens of these dwellings, as well as the single storey projections which they benefit from to the rear. The proposal would result in a significant oppressive impact on occupiers of No.15 and 17, resulting in a 6m addition some 9m away from the rear elevations of these neighbours. A representation received identifies the dwelling would replace a detached garage, and although this structure was demolished at the time of the site visit, satellite imagery dated 2023 shows the garage intact and a significantly smaller, flat-roofed structure confined to the rear-corner of No.14's amenity space in comparison to the substantial dwelling proposed. Therefore, officers cannot afford this justification any significant weight.

Similarly, representations received in support of the development note the proposal has been purposefully designed with windows that do not overlook, and the hipped roof is purposefully designed to avoid any significant overshadowing. The impact of the proposed openings has been assessed above, and although it is concluded these would not lead to significant harm upon neighbouring occupants, this reason is not considered to overcome the material concerns with regard to overbearing. As such, it is concluded that the proposed erection of detached dormer bungalow to the rear of 14, Lincroft Avenue would result, by virtue of scale, massing and proximity to 14 and 16

Lincroft Avenue and 15 and 17 Felcote Avenue would have an oppressive and overbearing impact on the amenity of neighbouring occupiers. The scheme would therefore fail to comply with Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and the aims of chapter 12 of the National Planning Policy Framework.

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.”* *“The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”*

Internal space standards are outlined within the Nationally Described Space Standard (NDSS). Space standards indicate a 2 storey dwelling with 2 bedrooms requires a minimum internal floorspace of 79m².

The internal space of the dwelling would exceed the minimum space standards set out within NDSS, with a total floorspace of approximately 86m².

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. All bedrooms have a good flow of natural light from window openings and are spacious to allow for storage and walkways.

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 proposal would provide a 2.8m x 3m area of outdoor amenity space in a prominent location to the front of the site. The level of space provided is somewhat limited given the size of the proposed dwelling and also constraints of the site in terms of its overall size and the access arrangements / need to provide suitable access and parking arrangements.

The proposed development includes the provision of a small area of amenity space located to the front of the dwelling, positioned within a prominent and

visually exposed section of the site. This arrangement results in a very limited and constrained external space which would not provide a satisfactory level of private amenity for future occupiers. The siting of this space, fronting onto the street and lacking any degree of enclosure or screening, would significantly compromise the level of privacy that could be enjoyed by residents.

In addition, the overall size of the site is such that there is little opportunity to reconfigure or enlarge the amenity space to provide an area of sufficient usability or quality. As a result, the proposal would fail to deliver an acceptable standard of outdoor amenity provision that would meet the reasonable expectations of future occupiers for a dwelling of this type.

Paragraph 9.3 of the Housebuilders Design Guide SPD emphasises that outdoor amenity spaces should be designed to ensure adequate levels of privacy, functionality, and visual quality. In this instance, the proposed arrangement falls short of these requirements, as the amenity space would be both limited in size and positioned in a location that is neither private nor practical for everyday use.

It is therefore concluded that, given the prominence of the amenity space associated with the dwelling the proposed development would not provide a suitable level of private outdoor space commensurate to a dwelling of this size and scale contrary to policy LP24 of the Kirklees Local Plan, principle 17 of the Housebuilders Design Guide and the policies contained within Chapter 12 of the NPPF.

Impact on Highways Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The site will be accessed via an existing dropped kerb from Earle's Avenue. KC Highways were consulted in relation to the impact the new development would have on the safety of the existing highway network and parking provisions.

For a 2-3 bedroom dwelling, KC Highways would require 2 off-street parking spaces, and officers would not accept any on-street parking in this case due to the location of the site. To accommodate parking for 2 cars, the plans must show two parking bays of minimum dimension 5.0m x 2.4m. The submitted block plan indicates parking is proposed to the front of the dwelling at a width

of 5m and of split depths, with one parking space able to achieve ~5.4m in depth and the other around 4.3m in depth due to the outshot to the front of the dwelling.

KC Highways raised an objection to the proposed development on the grounds that the scheme fails to provide adequate off-street parking provision. The submitted plans indicate that the proposed dwelling would not be capable of accommodating two vehicles within the site boundary, as only one parking space of sufficient dimensions is provided to allow a vehicle to be parked clear of the footway. As a result, one vehicle would overhang onto the adjacent footway, causing obstruction to pedestrian movement and posing a potential safety hazard. This level of provision is considered insufficient to meet the parking demand generated by a dwelling of the proposed scale and type. The shortfall in on-site parking provision is therefore likely to lead to vehicles being parked on the surrounding streets, increasing pressure on existing on-street parking and potentially compromising the safe operation of the highway.

Accordingly, the proposed development is considered to result in an unacceptable impact on highway safety and does not accord with the objectives of Policies LP21 and LP22 of the Kirklees Local Plan, which seek to ensure that developments provide adequate parking and do not prejudice the safe and efficient use of the highway network.

Environmental Matters

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are 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.

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

KC Ecology have been consulted on the proposal and have requested submission of a Preliminary Ecology Appraisal and a BNG Assessment.

Officers did not request this from the applicant as the application would be recommended for refusal on visual, residential and highway grounds.

Nonetheless, Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD, the Biodiversity Guidance Note, and Chapter 15 of the National Planning Policy Framework state that biodiversity net gain is required for all development. To create this net gain, if the application was minded being approved, a condition to secure a bird box into the external walls of the new dwelling is recommended to be added to the decision notice. This mitigation will ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements.

Carbon Budget

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Letters of objection

- The proximity of the dormer bungalow would be very close to neighbouring properties, resulting in overlooking and overshadowing.
- The new dwelling will block natural light to the homes on Felcote Avenue and will block sunlight to neighbouring gardens.
- The parking on Earles Avenue is already bad and adding another house will only add to this problem
- Felcote is higher than Lincroft meaning their downstairs windows look directly into the upstairs windows on Lincroft. Having a house in between would solve privacy issues and would not cause any issues like parking or blocking sun.

Officer response: The above comments are noted. The proposal has been assessed within the Residential Section of the report. It would fail to preserve the amenity of neighbouring occupants and would result in an unduly overbearing and oppressive impact upon occupants of 14 and 16 Lincroft Avenue and 15 and 17 Felcote Avenue. The dwelling would also not provide sufficient parking to accommodate 2 vehicles and would have an unacceptable impact upon parking and highway safety.

Letters of support

- The proposed dwelling would be located where a large derelict garage used to be. Given the proposed elevations on the plans, this will make very little difference compared to the structure that was previously there, so there would not be a substantial impact on privacy.

Officer response: The above comment is noted. The new dwelling would represent a substantial increase in built form on site compared to the existing garage and would represent a cramped form of development. Officers consider the proposal would not result in a significant impact on privacy.

- The windows of the dwelling are deliberately positioned to avoid overlooking

Officer response: Officers consider the proposal would not result in a significant impact on privacy.

- Building another home on the currently disused piece of land could also further add to this sense of character and improve aesthetics.

Officer response: This comment is noted. The visual impact of the dwelling has been considered within the Visual Amenity section of this report. Officers consider the proposed dwelling, by reason of its excessive scale, massing, and layout within a constrained plot, would appear as an overdeveloped and incongruous form of development that fails to respect the established character and spatial pattern of the surrounding area, resulting in significant harm to visual amenity

- The dwelling has been designed so that the roof is sloping away from all the neighbouring houses to prevent overshadowing, and the dormer is on the front looking onto Earls Avenue

Officer response: This comment is noted. The visual and residential impact of the proposal has been assessed in the report above.

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 does not accord with Policy LP21, LP22 & LP24 of the Kirklees Local Plan, 2, 5, 6, 12, 13, 14 & 15 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refusal

Reason(s) for Refusal

1. The proposed dwelling, by reason of its siting, scale and design, would introduce an unsympathetic, incongruous and cramped form of development that would result in overdevelopment of the site. This would have a detrimental impact on the visual amenity and character and appearance of the local area. The proposal would therefore be contrary to Policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local Plan, Principles 2, 5, 13, 14 & 15 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.
1. The proposed development, by virtue of scale, massing and proximity to 14 and 16 Lincroft Avenue and 15 and 17 Felcote Avenue would have an oppressive and overbearing impact on the amenity of neighbouring occupiers. The proposal would therefore fail to comply with Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and the aims of chapter 12 of the National Planning Policy Framework.
2. The dwelling would provide a poor standard of outdoor amenity space and be significantly overlooked by neighbouring occupiers such that it would fail to provide a high standard of amenity for future occupiers. This would be contrary to Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 6 and 17 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.
3. The proposal fails to provide two functional off-street parking spaces proportionate to the size of the dwelling and positioned to avoid obstruction of the footway. As such, the development would result in inadequate parking provision, to the detriment of highway safety. The proposal is therefore contrary to Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principle 12 of the Council's adopted Housebuilders Design Guide SPD.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	03/09/2025
Site Plan	-	-	03/09/2025

Proposed Site Plan	-	-	03/09/2025
Front Elevation	-	-	03/09/2025
Rear Elevation	-	-	03/09/2025
Left Elevation	-	-	03/09/2025
Right Elevation	-	-	03/09/2025
Ground Floor			03/09/2025
Dormer Floor			03/09/2025
Planning Statement	-	-	03/09/2025
Visualisation	-	-	03/09/2025
Visualisation 1	-	-	03/09/2025
Drainage	-	-	03/09/2025
Plot a	-	-	03/09/2025
Plot 1	-	-	03/09/2025
Plot 3	-	-	03/09/2025
Application form	-	-	03/09/2025
Climate Change Statement	-	-	03/09/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

No amendments were requested, as it was considered that they would not sufficiently address or mitigate the harm caused by the development.

Low coal

