

**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:	2025/62/92628/W
Site Address:	adj, 42, Long Croft Street, Golcar, Huddersfield, HD7 4EA
Description:	Erection of dwelling and associated works (within a Conservation Area)
Recommending Officer:	Molly Storer

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 15 December 2025

Officer Report

Site Description

The application site relates to a piece of land to the eastern side of the dwelling of No. 42 Long Croft Street, which currently serves No. 42. The site currently hosts two structures (garage and car port) and serves as garden / amenity space. The topography of the site results in the land level dropping to the rear. The site is situated on a residential road whereby the opposite side of the road to No.42 is relatively uniform but the properties on the side which No.42 is on varies in terms of style. A railway line is located to the rear of the site.

The application site is located within the Golcar Conservation Area.

Description of Proposal

Planning permission is sought for the erection of a dwelling and associated works (within a Conservation Area).

The proposal is for the erection of a detached dwelling. The new dwelling will be a three-bedroom 3.5 storey property. However, due to the topography of the site the property will be split level. It will have the appearance of a two storey dwelling with roof space to the front will appear to be three storeys with roof space.

The ground, first and second floors of the dwelling would have the following dimensions:

- Length (front and rear elevations) – 9.3 metres.
- Width (side elevations) – 8.2 metres.

The lower ground floor of the dwelling would have the following dimensions (this includes a single storey element which would project beyond the main rear elevation by 2m):

- Length (front and rear elevations) – 7.6 metres.
- Width (side elevations) – 8.2 metres.

The external walls of the dwelling would be faced in natural stone with a main pitched concrete tiled roof. The single storey rear element to the lower ground floor will have a lean-to roof.

One on-site parking amenity space is provided, as is outdoor garden amenity space.

History of Negotiations.

Following objections from neighbouring properties and consultee responses the agent submitted amended plans showing the rear balcony omitted and replaced with the lean-to roof, the balcony rooflight removed and replaced with a traditional rooflight and the front window design altered. They also revised the roof material to be blue slate.

Relevant Planning History

At the application site:

2024/93078 - Outline application for erection of dwelling and associated works (within a Conservation Area) – Conditional Outline Permission.

Neighbouring the application site:

- 96/91540 – Adjacent, 40, Long Croft Street – Erection of detached dwelling with integral garage. *Granted Conditional Full Permission.*
- 2003/91633 – Adjacent, 48, Long Croft Street - Erection of detached dwelling. *Granted Conditional Full Permission.*

Representations

The application was advertised via a site notice and within the press.

Final publicity date expired: 14th November 2025.

In response to publicity, seven objections were received, which raised the following concerns:

Impact on Highway Safety and congestion:

- The road is already congested due to high levels of on-street parking, the development will exacerbate the issues.
- Emergency vehicles find it difficult to pass.
- The development will lead to an increase in vehicular movement.

Construction phase disruption

- There will be increased vehicular movement and traffic during the construction.
- Noise during the construction phase will affect neighbouring properties.
- The construction phase will generate dust and impact air quality.

Over development:

- The proposed mass and footprint appear disproportionate to the size of plot.

Impact to wildlife:

- The street accommodates bat activity which the development would disrupt.

Amenity of neighbours:

- The balcony, velux balcony rooflight and extended lower ground floor will overlook neighbouring properties.
- Previous balconies have been refused.
- Rear projecting element would lead to overshadowing, overbearing and loss of light.

Design:

- The extended lower ground floor is not in keeping with the existing building line which would affect the Conservation Area.
- Application would not respect Golcar Conservation Area.
- The scale and siting of the property would not respect or enhance the Conservation Area.
- Will be viewed from across the valley.

Consultation Responses

Consultee responses for application 2024/93078 at the site which are of relevance:

KC Environmental Health – No objection to the proposals with conditions regarding noise assessment report & mitigation scheme and contaminated land.

Network Rail - no objection in principle to the development. However, due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with Network Rail's Asset Protection Team prior to any work taking place on site, to ensure the development can be undertaken safely and without impact to operational railway safety.

Yorkshire Water – no objections, recommend conditions if planning permission is to be granted, to protect the local aquatic environment and Yorkshire Water Infrastructure.

Within their response Yorkshire Water acknowledges a sewer crosses the site, advising the following:

'On the Statutory Sewer Map, there is a 225 mm diameter public combined water sewer recorded to cross the site. It is essential that the

presence of this infrastructure is taken into account in the design of the scheme.

a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.

b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010).

c.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.'

Consultees as part of this application:

KC Highways Development Management (informal) – No objections

KC Conservation & Design (informal) –

Due to the application being located within Golcar Conservation Area KC Conservation & Design were consulted. During discussions they stated that the rear balcony and rooflight balcony should be omitted as these features would be out of place within the Conservation Area (these also resulted in privacy concerns). They also recommended replacing the proposed concrete roof tiles to better reflect local character. In addition, they requested that the large ground-floor front window be further subdivided with an additional mullion. These changes were suggested to help ensure that the proposal preserves and enhances the Conservation Area.

The agent sent amended plans showing the balcony rooflight and rear balcony removed and replaced with a traditional rooflight, and the design of the front window altered to include the recommended subdivision. The roof material has been changed to blue slates which are the predominant material on adjacent dwellings.

These amendments are considered acceptable.

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 application site is located within the Golcar Conservation Area.

The application site is located within the River Colne Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats.

On the Statutory Sewer Map, there is a 225mm diameter public combined sewer recorded to cross the site.

The site is within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Land Quality

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 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)

Assessment.

The following matters will be considered as part of the assessment of the proposal:

- 1) Principle of development
- 2) Impact on visual amenity & historic environment
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

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.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan

policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, 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.”*

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The application site measures 217.98m³ and seeks permission for residential development. The submitted site plan shows one dwelling. One dwelling is considered appropriate in this instance, given the location, setting and topography of the site. More than one dwelling on the site would likely result in undue impacts visually, spatially and to the residential amenity of both future and neighbouring occupiers.

The site is considered to be located within a sustainable location, with Long Croft Street residential in character and the nearest Local Centre (James Street) located approximately 180 metres away. The closest bus stop to the site is located on Station Road, approximately 250 metres from the site.

Therefore, in relation to density of development and supply of housing, it is considered that the development sought under this application would meet the requirements of the aforementioned policies.

A more detailed assessment of the proposal's design and its impact on the surrounding environment is undertaken below.

1) Impact on Visual Amenity & Historic Environment

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’*.

Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affect the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

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 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.

Principle 6 of the Housebuilders Design Guide SPD highlights that *“the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings.”*

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

Principle 8 sets out that proposals should *“demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered*

and with applicants demonstrating how development respects the topography of the site and its surroundings.”

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. Principle 15 states that the design of the roofline should relate well to site context.

Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Due to the site's location within the Golcar Conservation Area, Paragraph 205 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on the heritage asset, to avoid or minimise any conflict between the heritage asset's conservation any aspect of the proposal.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The proposed dwelling responds appropriately to the changing topography by having a split-level design. As a result, it appears to be two storeys from the street frontage but shows as three storeys to the rear where it accesses the garden. This approach respects the natural land levels and ensures the height and massing are similar to other properties.

The footprint of the property is similar to that of surrounding properties and it is considered that the gap between No.42 and 46 could comfortably fit a similar sized dwelling to those within the established residential context. A driveway is proposed between No.46 (an end-terrace property) and the new dwelling, which ensures the terracing effect does not continue beyond the existing row. Furthermore, the proposed three-bedroom dwelling is consistent with the scale and type of housing found in the local area and contributes appropriately to local housing mix.

The front elevation aligns with the existing building line along the street, ensuring that the new dwelling respects the streets frontage and continues the building line. Whilst the property does extend further to the rear, this is limited to a single-storey projection which, due to the steep gradient, would be positioned below road level and therefore would not disrupt the established form or appear visually dominant.

In response to Officer concerns, the large front window has been replaced with a more appropriately scaled window that better reflects the fenestration patterns of neighbouring dwellings. Similarly the balconies previously proposed to the rear have been removed, improving both appearance and coherence with nearby properties and reducing the visual impact when viewed from surrounding gardens and across the valley to the rear. Although there are a mix of materials within the streetscene, the materials of blue slate for the roof and natural stone for the elevations are considered to be the most characteristic of surrounding properties.

Therefore, for the reasons above, it is considered that the modern intervention of feature glazing is appropriate in this instance and that the new dwelling under this application would appropriately reflect what currently exists at the site and within the surrounding area, thus also according with Principles 13, 14 and 15 of the above SPD.

Outdoor amenity space is to be predominantly provided to the rear elevation with a small section to the front. This will consist of a patio area adjacent to the property and a rear garden which will be accessed via steps downwards which is consistent of other properties on this row. With regards to boundary treatments (landscaping), the submitted drawings annotate a new 900mm stone retaining wall around the front and around the patio area to the rear, an existing brick wall to the east and existing dry stone wall to the rear will be maintained . It is considered that this form of boundary treatment would be acceptable, in keeping with the context of the site.

In summary, it is concluded that the proposed development would have an acceptable impact on visual amenity.

In terms of heritage as the application is situated within Golcar Conservation Area, informal consultations were undertaken with KC Conservation and Design. The Conservation and Design Team have assessed the proposal and provided the following comments: -

- Rooflight balcony is also omitted (as well as the rear balcony which was omitted).
- Concrete roof tiles to be changed.
- Large ground floor front elevation window to be amended.

As a result of the negotiations, the planning agent submitted amended plans, reducing the extent of glazing to the front elevation, changing the roof tiles to be blue slate and removing the rooflight balcony.

The removal of both the rear balcony and the rooflight balcony means the roofscape remains simple and traditional, which better reflects the historic forms typically found along the street. The change from concrete roof tiles to blue slate also improves the proposal, as slate is a material commonly associated with traditional buildings in the conservation area. Similarly, the reduction in the size of the large ground-floor front window ensures that the proportions and arrangement of openings are more consistent with the established pattern of fenestration found on surrounding properties. This helps maintain the character of the street frontage and avoids introducing a feature that could detract from the area's traditional appearance.

These amendments demonstrate that the design has responded positively to the site's historic context. The resulting design respects the scale, form, materials and detailing typical of the conservation area and ensures the development does not harm its special character or appearance. Overall, the proposal is now considered to preserve the significance of the area and is therefore acceptable in heritage terms.

Therefore, based on the above assessment, it is considered that the dwelling would have a neutral impact on the Conservation Area and would provide additional housing as a public benefit of the scheme. The scheme is considered to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

2) Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers.

Principle 6 of the Housebuilders Design Guide sets out 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 text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;

- For a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

Impact on Neighbouring Properties:

With regards to No.46 Long Croft Street, the dwelling would maintain a separation distance to the shared boundary with this property of 3.3m. However, it is noted that the new dwelling would be built up to the boundary with No.42 but the dwellings themselves would be separated by No.42s driveway although this property is set on a slightly higher land level. The design and access statement notes that the eaves and ridge height will respect the existing building heights, and the footprint have been positioned to follow the line of the buildings on the street. This would mitigate any overbearing impacts.

Although the proposed dwelling is positioned to infill a gap on the street and would sit in relatively close proximity to the neighbouring properties on either side, this pattern of development is typical of the surrounding area. The locality is predominantly characterised by semi-detached properties with only a single driveway separating each pair, or by traditional terraced housing where dwellings sit directly adjacent to one another with minimal spacing between them.

Therefore, it is concluded that the proposed dwelling would not result in significant impacts of undue overbearing or overshadowing for any for the properties which neighbouring the site.

In addition, drawing No. 2589 D 20 010 RevB shows both of the windows to the side elevations of the new dwelling to serve non habitable rooms (either hallways or bathrooms. Therefore, it is not considered that the installation of these windows would result in any undue impacts of overlooking towards the surrounding properties. Upon any grant of approval, a condition shall be imposed to ensure that these windows be obscure glazed.

Whilst the glazing to the principal elevation would not fully comply with the SPD to have 21 metres between facing windows of habitable rooms (with a separation distance of 19m), this 2m discrepancy is considered on balance to be acceptable. This is due to this being the established set up of the street and the front elevation not being set forward of the other properties on that side of the road.

Therefore, the scheme is considered acceptable with regard to any overbearing/overshowing or privacy impact to surrounding properties.

Noise, Dust / Odour:

Paragraph 198 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Taking into consideration noise and odour pollution, given that the application seeks permission for a new dwelling within an established residential area, it is not considered that the proposal would give rise to any noise, dust or odour pollution over and above the existing circumstances of the surrounding area.

To protect the amenity of surrounding residents, upon any grant of approval, an informative note which restricts noisy construction related activities during construction works will be included within the decision notice.

Amenity of Future Occupiers of the Proposed Dwelling:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015).

Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least one window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.

Officers also note that all habitable rooms would have a sufficient level of glazing to allow for natural light.

In this case, the dwelling would have three bedrooms. It is considered that the amount of outdoor amenity space provided for the proposed dwelling would be sufficient. It is also considered that the outdoor amenity space would receive sufficient levels of sunlight. Therefore, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

In conclusion, with the inclusion of the aforementioned conditions and informative notes, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The

proposals are also considered to accord with Principles 6,16 and 17 of the Council's Housebuilders Design Guide SPD.

3) Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. 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. Principle 12 of the SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the SPD states that 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.

Plans show that there would be 2 parking spaces to the side and bin storage and collection to the front. KC Highways Development Management confirmed that they concluded the scheme to be acceptable in this regard.

For these reasons, the proposed development is considered to comply with the requirements of Policy LP24 part d(vi), LP43 and the Kirklees Highway Design Guide SPD.

4) 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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide SPD sets out that *"New proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy."*

As part of this application, a Climate Change Statement was submitted, which sets out various mitigation measures.

Furthermore, in this case, it is considered that the resultant development would have an acceptable impact on Climate Change, as it would have to be constructed to modern building standards.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

There are no protected trees on site nor is there any planned removal of trees or hedges. Furthermore, the rear garden is to be maintained.

Therefore, on balance, it is not considered that the proposal would have a significant impact upon the Strategic Green Infrastructure Network.

Air Quality:

Government guidance on air quality mitigation outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24, LP26 and LP51 and the West Yorkshire Low Emissions Strategy Planning Guidance seek to mitigate Air Quality harm.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition. However, upon any grant of approval, an advisory footnote for electric vehicle charging points would be included.

Foul Sewage:

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance

document are considered to be relevant in terms of foul / surface water drainage.

Given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development.

Contaminated Land:

With regard to land quality, the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The proposed development is situated adjacent to a railway line, and it has existing garage structures that would be demolished. The Council's mapping system shows a historic landfill circa 50 metres to the east.

Upon formal consultation on application 2024/93078 at the site, KC Environmental Health confirmed that they have no objection to the application subject to inclusion of conditions in relation to contaminated land to ensure the site is safe and suitable for the proposed development.

Biodiversity / 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. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The application site is located within an area with a known presence of bats. As such, upon any grant of approval, a condition shall be imposed to ensure the provision of a bat box.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self-build exemption as set out by The Biodiversity Gain

Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation. This exemption is listed in the submitted application form as being applicable.

Land Stability:

Officer's note the topography of the site, resulting in the land level dropping to the rear and the presence of a large retaining wall.

Paragraph 18.2 of the Kirklees Local Plan sets out that 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'

Upon any grant of approval of this application, a footnote shall be included which states: 'With regard to land stability, it is brought to the applicant / developers' attention that responsibility for securing a safe development rests with the developer and/or landowner.'

Railway:

A formal consultation was undertaken with Network Rail under application 2024/93078.

Within their consultation response, Network Rail confirmed that they have no objection in principle to the development, but some requirements must be met, which are set out in full on the consultation response.

The consultation response sets out that the application must be supported by a site-specific Construction Methodology and should it not possible to satisfy Network Rail's requirements recommended the LPA should satisfy itself, without consulting Network Rail, that there are good reasons why the recommended requirements cannot be adhered to.

The requirements set out by Network Rail are considered to relate, primarily, to the impact the development would have upon the continued function of the railway. Given the distance of the proposal from the railway embankment. As such, given the scale of the development it is considered it would be unreasonable of the LPA to insist upon submission of a construction management plan which relates to measures to ensure the continued operation of the railway network in this case. An informative note drawing the applicants attention to the response of Network Rail is recommended.

Public Combined Water Sewer:

On the Statutory Sewer Map, there is a 255mm diameter public combined water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. As part of the assessment and determination of this planning application, a formal consultation was undertaken with Yorkshire Water on both the outline

application 2024/93078 and the current application. Within their consultation response to 2024/93078, Yorkshire Water recommended conditions be attached if planning permission is to be granted, to protect the local aquatic environment and Yorkshire Water infrastructure.

The conditions recommended by Yorkshire Water relate to requiring separate systems of foul and surface water drainage and 'no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority'.

The formal consultation under the current application stated that they object to the proposal as the scheme does not properly account for the 255mm diameter public combined water sewer recorded to cross the site. However, plans for the current application show the dwelling to be in a position which will have less of an impact to the sewer than that shown on the outline which was approved. Therefore, this is considered acceptable.

Given the scale of the development and the requirement of building regulations it is considered it would be unreasonable of the LPA to insist upon a scheme of foul / surface water drainage to be submitted to the LPA for written approval. Furthermore, separate legislation requires separate systems of drainage to be provided and therefore inclusion of such a condition is unnecessary in this case. It is therefore concluded that, having regard to the response of Yorkshire Water, the application is considered to be acceptable with regard to the combined water sewer which crosses the site.

An informative note is recommended drawing the applicant's attention to the requirements in relation to diverting / building over the sewer and entering into a legal agreement with Yorkshire Water in respect of this element of the development.

Coal Mining:

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with the National Planning Policy Framework.

5) Representations

In response to publicity, seven objections were received, which raised the following concerns:

Impact on Highway Safety and congestion:

- The road is already congested due to high levels of on-street parking, the development will exacerbate the issues.
- Emergency vehicles find it difficult to pass.
- The development will lead to an increase in vehicular movement.

Construction phase disruption

- There will be increased vehicular movement and traffic during the construction.
- Noise during the construction phase will affect neighbouring properties.
- The construction phase will generate dust and impact air quality.

Over development:

- The proposed mass and footprint appear disproportionate to the size of plot.

Impact to wildlife:

- The street accommodates bat activity which the development would disrupt.

Amenity of neighbours:

- The balcony, velux balcony rooflight and extended lower ground floor will overlook neighbouring properties.
- Previous balconies have been refused.
- Rear projecting element would lead to overshadowing, overbearing and loss of light.

Design:

- The extended lower ground floor is not in keeping with the existing building line which would affect the Conservation Area.
- Application would not respect Golcar Conservation Area.
- The scale and siting of the property would not respect or enhance the Conservation Area.
- Will be viewed from across the valley.

Officer Response: A full assessment of the impacts of the proposal on both visual and residential amenity, highway safety, ecology and the historic environment is set out within assessment section 2 of this officer's report. It was concluded that the scheme has an acceptable impact on both visual amenity, residential amenity, ecology and to the historic environment.

6) 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. Policy LP2 of the Kirklees Local Plan sets out that all proposals should address challenges identified in the Local Plan, with Policy LP24 of the Plan stating that good design should be at the core of all proposals in the district.

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number: 2025/92628

Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
1. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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 LP1, LP2, LP3, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP31, LP32, LP33, LP35, LP43, LP51, LP52 & LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15 16, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 5, 11, 12, 13, 14, 15 & 16 of the National Planning Policy Framework.
2. The external walls of the dwelling hereby approved shall be faced in natural stone. The roof above the dwelling shall be blue slate. These materials of construction of the walls and the finish to the roof approved by this condition shall be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 13 of the Housebuilders Design Guide Supplementary Planning Document.

3. The development shall not be occupied until the windows in the east and west side elevations of the dwelling hereby approved have/had been obscure glazed minimum grade 4. The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. One bat box (Ibstock Enclosed Bat Box 'C' or suitable alternative) and one integral swift box (Vivara pro woodstone swift box or suitable alternative) shall be installed on or within 500mm of the roofline of the dwelling hereby approved before the dwelling brought into use. The bat and swift box shall thereafter be retained.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Development shall not commence until a scheme detailing the finished slab and floor levels of the dwelling hereby approved, together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall be carried out in accordance with the details so approved and the occupation of the dwelling hereby approved shall not take place until the works relating to the building have been completed. The approved levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: This is a pre commencement condition required in the interests of visual and residential amenity to accord with Policy LP24 of the Kirklees Local Plan, Principle 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

6. The boundary treatment of the site hereby approved shall be in accordance with those shown on submitted drawing 2589-D-20-005. The development shall not be brought into use until the boundary treatment approved by this condition have been completed. The boundary treatment shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent

person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition 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.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8, 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: This is a pre-commencement condition 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. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9 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:** This is a pre-commencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. 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: 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.

11. 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.

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.

NOTE: Contaminated Land

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: Construction Site Working Times

No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours,

Saturdays With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Land Stability

With regard to land stability, it is brought to the applicant / developers' attention that responsibility for securing a safe development rests with the developer and/or landowner.

NOTE: Electric Vehicle Charing Points

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group.

NOTE: A sewer crosses the site. The response of Yorkshire Water is brought to the attention of the applicant / development which states that there is a 225 mm diameter public combined water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme insofar as: a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over; b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010) and c.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.'

NOTE: The applicants' attention is drawn to the response of Network Rail including the informative notes accompanying their response.

NOTE: The changes to the access within the adopted highway fronting the property, to provide a dropped kerb, 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 Design Engineer (Kirklees Street Scene: 01484 221000) 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:

Plan Type	Reference	Version	Date Received
Location Plan	2589-D-20-001	-	26/09/2025
Existing Site Plan	2589-D-20-002	-	26/09/2025
Proposed plans and elevations	2589 D 20 010	B	26/11/2025
Proposed site	2589 D 20 003	B	26/11/2025

plan			
Boundary Treatment and Ecology Plan	2589-D-20-005	-	26/09/2025
Existing Foul Drainage Plan	2589-D-20-006	-	26/09/2025
Proposed Drainage Plan	2589-D-20-004	-	26/09/2025
Application form	-	-	26/09/2025
Heritage Statement	-	-	29/09/2025

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 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. Amended plans have been submitted during the course of this application to address matters raised by consultees.

Report Dated:

10th December 2025