

**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:	2025/62/92758/E
Site Address:	Land adjacent, 38, Upper Road, Batley Carr, Dewsbury, WF17 7LT
Description:	Erection of one dwelling
Recommending Officer:	Edward Cheseldine

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: 28 November 2025

Officer Report

2025/92758 - Land adjacent, 38, Upper Road, Batley Carr, Dewsbury, WF17 7LT

Site Description

The site is a plot of land adjacent to 38 Upper Road in Dewsbury. There are two-storey, terrace type dwellings within the existing building row that are erected with formed stone exterior walls and smooth grey tiles on pitched roofs. Each dwelling contains a front facing roof dormer. Residential dwellings are located to the north of the site, whilst to the east is the grade II listed Holy Trinity Church. Upper Road is located to the south of the application site.

In terms of the wider area, Upper Road is predominantly a residential street with a mixed building group identity and sporadic commercial and retail units. At this particular point in the road a character is formed by the spacious borders and buildings set back from the road.

List Description:

Gothic Revival church. 1841, by R, D. Chantrell. Porch and N. aisle added 1895. Dressed stone. Pitched slate roof with gable copings. 6-bay buttressed nave with 2-light, traceried, stained glass windows with hood moulds. Porch on south side. Chancel to East with 5-light, traceried, stained glass window with hood mould. 2-tier West tower with 2-light louvred bell chamber and clock. Tower has diagonal buttresses, and parapet with crocketed pinnacles.

Description Proposal

The applicant is seeking planning permission for the erection of a dwelling. The dwelling would be 1.5 storey in height, 4.00m(w) x 12.00m(l) with an eaves height of 3.30m and a ridgeline height of 6.90m. The building will be constructed with formed stone external walls and smooth grey roof tiles. It will have a rectangular footprint with a pitched roof. A gable-end roof dormer will be constructed to the front and rear of the property. Residential amenity space would be located to the rear of the property.

Amendments/Negotiations

Considering the application is a resubmission of a proposal which was previously refused (2024/93001), with no further amendments to address concerns raised within the Officer Report and previous reasons for refusal, no amendments were requested.

Public Representations

The application was advertised by way of a site notice and press advertisement; final publicity date was 20-Nov-2025. As a result of the publicity, no representations were received.

Consultation Responses

KC Conservation & Design – Objection to development. Agreed with the previous officer recommendation under application 2025/90414. An informal consultation took place on 25 November 2025.

KC Environmental Health – Consultation for residential development at this site was undertaken for application 2025/90414. Advice has been followed for this application. A condition for unexpected ground contamination will be applied to the decision notice.

KC Highways - Consultation for residential development at this site was undertaken for application 2025/90414. Advice has been followed for this application. No objection to matters on highway safety.

Relevant Planning History

2025/90414 – Erection of one dwelling - Approved

2024/93001 – Erection of one dwelling - Refused

2020/90923 – Erection of single-storey side extension – Full permission granted

2015/92255 – Erection of 8 dwellings – Full permission granted

Boundary Treatments

2021/91596 Discharge of condition 4 (Boundary) on previous permission 2015/92255 for erection of 8 dwellings - Refused 16/JUL/2021

2020/93513 Discharge of condition 4 (Boundary) on previous permission 2015/92255 for the erection of 8 dwellings - Refused 17/DEC/2020

2017/91656 Discharge conditions 3, 4, 6, 8, 9, 10, 11, 12 on previous permission 2015/92255 for erection of 8 dwellings Part Approved/Part Refused 09/OCT/2017.

Condition 4 (boundary fencing) not discharged.

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):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 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 Health 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 15** – 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 Housebuilders Design Guide SPD (2021).
- Gov UK Biodiversity Net Gain Technical Guidance.

- Gov UK Nationally Described Space Standards

Assessment

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) 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. However, the site is in close proximity to a grade II listed building, therefore an assessment of the impact on the historic environment will take place. 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...”

Historic Environment

The site is located to the west of Holy Trinity Church which is a grade II listed building.

As a starting point, the applicant has submitted a Heritage Statement to establish the special interest and/or significance of the heritage asset. It rightfully attributes the architectural and artistic interest as high due to the building's Gothic Revival design and historic interest as medium-high.

The heritage statement provides an informed assessment of the proposed structure's impact on the setting of the designated heritage asset. It illustrates the extent of views from vantage points along Upper Road from the west and

highlights the differences between the proposed dwelling and the dwelling approved under extant permission 2025/90414.

It concludes by saying that 'Overall, the proposed erection of a dwelling (approx. 1.5 storeys in height) would alter the setting of the grade II listed building insofar as it would obscure approximately 2.60m more. However, it is not considered that this would result in any greater harm than has been previously approved. (para. 7.28)'

An earlier assessment of the proposal's impact on the historic environment was carried out under application 2024/93001. It accounted for the extant permission of a single-storey projection pursuant to 2020/90923 which has a similar dimension to the dwelling approved. Officers at the time noted, *'in comparison to this application, there is a change in height and roof style from the previous permission.'*

This concludes that it is the change in height and vertical mass that is subject to the disagreement between the LPA and applicant in terms of the harm caused to the setting of the listed building. These matters are subject to the assessment of this application as the plans are identical to those previously refused under 2024/93001.

Relevant to this assessment is, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

The grade II listed Holy Trinity Church has a squat form with a low nave, its vertical emphasis provided by a tower positioned to the west. The tower features decorative buttresses, while stained glass windows line the south elevation. This elevation is set back approximately 12 metres from Upper Road.

In terms of its contribution to the surrounding area, Holy Trinity Church is located within a predominantly residential setting. Aside from the church, there are no other distinctive buildings that significantly contribute to the character of the area. The existing terrace row (Nos. 38–46) align with the church's building line, allowing views of the church when travelling eastbound along Upper Road.

The proposed development would cause a significant adverse visual impact due to its scale, vertical massing, and ridgeline height. The extension would interrupt and obscure key architectural features of the listed building, including its buttresses and a substantial part of the tower. Compared to a single-storey structure, the level of obstruction is excessive given the important contribution of Holy Trinity Church. From Upper Road, the extension would block views up to the mid-section of the church tower, buttresses only barely visible, as

shown in Image 7.3 of the Heritage Statement. From viewpoints west of the site, only partial glimpses of the main body of the church would remain.

Although the development would physically block views of the church, it would also divert attention away from it. The existing spatial arrangement of the adjoining terraces is deliberately set back from the roadside, allowing long views of the church along Upper Road. The proposed development would occupy this open space, increasing the spread of built form. Due to the proposed building's vertical massing, the visual dominance of residential development in this area would be significantly heightened. As a result, the church would recede into the background, diminishing its contribution to the character of the local area.

This impact is further compounded by the incongruity of the proposed building. The roof pitch changes to introduce a projection beyond the rear of the terrace row, as shown in Image 7.3 of the Heritage Statement, which indicates that this section of the property will be highly visible from the public domain. The placement of the front dormer and the reduced ridgeline height disrupt the symmetry of the terrace, and the building sits awkwardly at the end of the row. As a result, the listed building would become less visually prominent within the setting, reducing its perceived importance.

In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed dwelling would lessen the designated heritage asset's special contribution to the area. When considering the range of views from Upper Road, the reduced visibility and prominence of the proposed building would result in material harm to the setting of the listed building. Consequently, the proposal cannot be said to preserve the listed building's setting.

Paragraph 212 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 215 goes on to state that:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

The proposed development would result in less than substantial harm to the setting of the grade II listed Holy Trinity Church. In terms of public benefits, the scheme would provide a single additional dwelling; however, this represents only a limited contribution when assessed against the Council's overall housing targets. When weighing this against the heritage significance

of the listed building and its positive contribution to the character of Upper Road, the level of harm is considered to outweigh the modest benefits of the proposal. As such, the development conflicts with paragraphs 212 and 215 of the NPPF & LP35 of the Kirklees Local Plan.

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.’

One additional unit would make a small contribution to that supply. Therefore, a balance has been formed, within this assessment, against the benefits one dwelling would bring to the supply. Good design is a key aspect of sustainable development which contributes to creating better places, in this case development would harm the setting of a listed church that contributes positively to the character of Upper Road. Given the level of this heritage harm, the limited economic and social benefits associated with a single additional dwelling would not outweigh the harm identified.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful 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 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.”*

The character of the building group in the immediate vicinity is defined by two-storey residential dwellings and the spatial pattern of surrounding streets, including areas of undeveloped land on corner plots. Most dwellings are two storeys in height and are predominantly terraced properties or flats arranged in blocks. The Grade II listed Holy Trinity Church is situated to the east of the site.

The proposed dwelling would be located in an area of open space adjacent to Upper Road. This land is currently enclosed by a boundary fence, for which no planning permission exists. Existing buildings in the locality are generally set back from the public footpaths, creating generous boundaries and contributing to the area’s open character. Under the proposal, the setback between the terrace row and the public footpath would be reduced from 7.10m to 3.10m. While it is acknowledged that an extant permission exists for

a single-storey dwelling on the footprint of the current proposal, the revised scheme assessed under this application introduces greater vertical mass. In combination with the adjacent terrace row, this increased bulk would erode the openness of the site and harm the established character of the area. Other developments nearby have retained generous front and side open spaces, which this proposal would remove.

Principle 5 of the Kirklees House Builders Guide SPD relates to positioning in terms of coherence, frontages and the surrounding area.

The building is set down from the adjoining dwelling, it is single storey attached to a row of two-storey dwellings. There are no other buildings in the immediate vicinity with a similar appearance. Due to its location on a prominent corner plot, it will be highly noticeable from the roadside. The change in scale fails to follow the overall established building form and character of the area. The proposed dwelling will appear relatively narrow. Given the relative scale of the property, with its position, set against the two-storey dwelling, the proposed building will appear contrived within its plot giving a cramped appearance which is contrary to the existing building group.

The development therefore fails to conform to the character of the built environment by way of its position in relation to the spatial pattern of the area and scale, failing to accord with Principle 2 & 5 of the Kirklees Housebuilders Design Guide SPD.

In relation to the front area of the dwelling, there will be one car parking space and a modest garden space. The make-up of the front of the dwelling is similar to other properties in the terrace row with parking directly in front of the properties.

Principle 13 of the Kirklees Housebuilders Design Guide SPD states that applicants should *consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.*

The materials accord with the terrace group, if the application was to be recommended for approval, it would be conditioned that the materials match the appearance of the existing building.

Principle 14 of the Kirklees Housebuilders Design Guide SPD notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The building is located in a prominent position on the end of an existing terrace row. The design fails to incorporate an active frontage on the side elevation of the residential dwelling. Given its prominence, the appearance of the side elevation does not maintain or enhance the character of the area which is unsatisfactory in terms of design. Whilst the dwelling mimics the features of the adjoining terrace block, its low form will add to the incongruity of the dwelling as it sits on the end of established buildings that are built in uniformity.

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

In terms of roofline, a pitched roof has been chosen in an orientation of the other buildings to the north. As previously discussed, whilst the orientation matched the terrace row, the height of the structure will present a stepped down approach which does not accord within the adjoining building group.

The proposed development, due to scale, height positioning and features would have a detrimental impact within the streetscene, reducing the sense of openness within this section of Upper Road, whilst appearing incongruent within the building group due to its appearance. This would be contrary to Principle 2, 5, 14 & 15 of the Housebuilders Design Guide SPD, Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the NPPF.

Impact on Residential Amenity

Section B of LP24 states that alterations to existing buildings should:

‘...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.

38 Upper Road is the only residential dwelling that will be affected by development. All other properties are over 21.00m away from the new windows or due to the layout of built form would not be impacted by a loss of outlook, loss of light or an overbearing impact.

Impact on 38 Upper Road

This dwelling is the adjoining residential building. There is an existing side elevation window on the property, it lights an ensuite. The proposed dwelling will remove this light source. The ensuite is attached to a bedroom with a front elevation window. The ensuite is secondary to the main bathroom. Given the relationship, the loss of the window is acceptable.

In terms of privacy, there will be rear facing windows at a first-floor level that will overlook the private outdoor amenity space of No. 38. Other windows on the terrace row overlook this space, therefore the relationship is acceptable.

The building is set within the dimensions of 38 Upper Road set below the eaves, when considering the mass, there will not be a loss of light, loss of outlook or an overbearing impact from the proposed development.

It would be conditioned that all bathroom windows of the proposed dwelling are obscurely glazed to ensure privacy to future and neighbouring occupants in respect of LP24 b.

Amenity of Future Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

Internal space standards are outlined within the Nationally Described Space Standard (NDSS). Space standards indicate a 2 storey dwelling with 1 bedroom requires a minimum internal floorspace of 70m². The internal floorspace of the proposed dwelling will have a total floorspace of 73.60m², meeting the requirements.

Double bedrooms must be at least 11.5m² with the first been a width of 2.75m. The bedroom indicated on plans is 13.30m² and 3.50m wide.

It is acknowledged that the ‘study’ could be converted into a bedroom for single occupancy which would not put the size of the internal floorspace over the threshold. Even so, NDSS recommend a bedroom of single occupancy to be 7.50m², the study is 8.00m² according with the standards.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. The dwelling will have a rectangular footprint, with a satisfactory layout when accounting for doorways to accommodate bed space and internal room storage for each bedroom. Each room has a window opening to allow for a flow of light into the spaces.

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.”

Private outdoor amenity space will be formed to the rear of the property. The outdoor space is a decent size for a dwelling with one bedroom which is 50m², meeting the requirement of Principle 17.

The proposed development is therefore considered acceptable in terms of residential amenity, and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

It is noted a fence has been erected to the south of the site which does not have permission. There have been 3 applications to discharge the condition relating to the boundary treatment which have been refused. If the application was to be recommended for approval, a condition would be set that boundary fencing details are submitted to ensure privacy, a suitable impact to the significance of listed building and streetscene, and to ensure a safe impact for vehicles merging onto Upper Road.

Impact on Highway Safety

Policy LP21 states all proposals 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.

Advice regarding highway safety was sought during the assessment of application 2025/90414. During the decision-making process visibility splays for vehicles merging onto Upper Road and bin storage details were requested. Given the similarity between the proposals, advice received from consultees in relation to the previous assessment has been applied to this application.

The application proposes a single parking space which sits in front of the application dwelling. The Kirklees Highways Design Guide SPD stipulates a two-bedroom dwelling should have one off-street parking space, which the development accords with. The dwelling is positioned close to the designated parking space. Development may encroach this space, removing the ability to park and removing the shared access. Given the proximity to the space, permitted development rights Class D (porches) will be removed from the dwellinghouse if the application was successful.

Visibility splays for access onto Upper Road indicating 2.3m x 43m sight lines has previously been demonstrated under application 2025/90414.

In addition, bins would be stored in an existing designated area on the other side of the road, which would be away from the highway which was demonstrated under 2025/90414.

There is currently a ramped access adjacent to the proposed parking space. The applicant will be required to contact Kirklees Highways team to make changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges).

Notwithstanding the discharge of fencing details to ensure the safety of merging traffic, the development accords with LP21 & LP22 of the Kirklees Local Plan.

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.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The agent has stated the application falls under the 'self-build' exemption category within the application forms. The agent has confirmed the development complies with the Self-build and Custom Housebuilding Act 2015, and the officers has no reason to dispute this, therefore the application is exempt from a BNG uplift.

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.

It is noted that the dwellings are single-storey with the main elevations being below 4.00m. Considering this, bird and bat boxes would not be located at suitable heights for an appropriate habitat uplift.

Contaminated Land

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

KC Environmental Health reviewed the proposal during the assessment of application 2025/90414, they requested a cautionary condition that if ground contamination is encountered during the groundworks, the council should be notified with a remediation strategy to be confirmed by the LPA.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added to the decision notice if approved.

Electric Vehicle Charging Points

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

Carbon Budget

The proposal is a small scale development. Materials to be sourced from sustainable supplies where possible.

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.

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 fails to accord with Principle 2, 5, 14 & 15 of the Housebuilders Design Guide SPD, Policy LP24(a) & LP35, Chapters 12 & 16 of the National Planning Policy Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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 development would result in harm to the setting of a designated heritage asset (Holy Trinity Church), which provides

important visual and social benefits to the wider area, with no public benefits to outweigh such harm. It would obstruct important vistas from Upper Road, whilst enclosing the listed building's surrounding due to the continuation of development. To permit the development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan, paragraphs in Chapter 16 of the National Planning Policy Framework.

2. The proposed development, due to scale and positioning would have a detrimental impact within the streetscene, reducing the sense of openness within this section of Upper Road, whilst appearing incongruent within the building group due to its appearance. It would be contrary to Principle 2, 5, 14 & 15 of the Housebuilders Design Guide Supplementary Planning Document, Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	02 October 2025
Proposed Plans and Elevations	-	-	02 October 2025
Planning & Heritage Statement	-	-	02 October 2025
Climate change statement	-	-	02 October 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Considering the application is a resubmission of an application previously refused with no further amendments in line with a previous Officer Report, no amendments were requested.

