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:	**2025/62/93354/W**
Site Address:	Land Adj, 9, Foxglove Road, Almondbury, Huddersfield, HD5 8LW
Description:	Erection of detached dwelling with integral garage and off road parking
Recommending Officer:	Joanna Rednall

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.

Emma Thompson

AUTHORISED OFFICER

Date: 16-Mar-26

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Officer Report

Site Description

Land Adjacent 9 Foxglove Road, Almondbury, Huddersfield, HD5 8LW

The site consists of a relatively large garden plot to the sides of No.11a and No 9 Foxglove Road. It is located on the east side of the highway, and appears to form part of the historic garden of 9 Foxglove Road (now fenced off), a large detached two-storey dwelling forming part of a row of other large houses with a variety of designs and style.

There are a number of trees on and surrounding the site. The locality has a pleasant and verdant character.

To the rear of the site is undeveloped land. There is a general downward gradient from east to west within the site and in the wider streetscape, thereby the site inclines from front to rear. The site is not within a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

Planning permission is sought for the erection of detached dwelling with integral garage and off road parking.

The dwelling, which is to be set back from Foxglove Road, is proposed to be split level, being three storey at the front and two storey to the rear taking into account the gradient of the site. The dwelling would have an 'L-shape' footprint. The dwelling would consist of two gabled elements, with a connecting flat roof element in between. The southerly gable would project ~4.1 forward of the flat roof connection, whilst the northerly gable's projection beyond the flat roof connection would be ~0.2m. In relation to the southerly gable, a first floor terraced area would project ~3.3m further beyond this front gable. A flat roof single storey element would project from the rear of the main body of the dwelling, and a balcony is proposed over part of this extension.

The dwelling is proposed to measure a maximum of ~15.4m (width) x ~16.1m (depth), with a maximum ridge height of ~10m (measured from the front) and eaves height of 7.1m (measured from the front).

The dwelling is proposed to be constructed from a mixture of natural stone and vertical timber cladding under a metal roof covering. This dwelling is proposed to accommodate 5 bedrooms.

Access is proposed off Foxglove Road, with a driveway/parking area to the front of the dwelling. A garage is also proposed in the principal elevation of the dwelling.

Planting is proposed to the front of the site. A partly raised patio area is displayed to the rear of the dwelling, which would then lead to the rear garden of this proposed property, with some regrading proposed. Bin storage is proposed to the north side of the dwelling.

History of negotiations/amendments received

No amendments sought as the proposal was considered acceptable as submitted.

Relevant Planning History

86/00688 – Outline application for erection of dwelling – Approved on 13th February 1986.

89/01243 – Outline application for erection of detached dwelling – Approved on 3rd March 1989.

92/01568 – Renewal of unimplemented outline permission for erection of detached dwelling – 12th May 1992.

95/90858 – Erection of detached dwelling with integral double garage – Approved of Reserved Matters on 24th May 1995.

98/92800 – Outline application for residential development – Approved on 13th November 1998.

2001/92886 – Renewal of unimplemented outline permission for residential development – Approved on 22nd November 20201.

2004/95102 – Renewal of unimplemented outline permission for residential development – Approved on 23rd December 2004

2010/92565 – Erection of extension and two car garage – Approved on 15th November 2010.

2018/90448 – Outline application for erection of one dwelling – Approved on 9th February 2018.

2019/91134 – Erection of detached dwelling with integral garage and off-road parking – Approved on 14th June 2019.

2022/90085 – Erection of detached dwelling with integral garage and off road parking – Approved on 8th June 2022

2022/92372 – Erection of detached dwelling with integral garage and off road parking – Refused – Appeal upheld

Representations

Final publicity expired:

Neighbour Letters expired on 29th January 2026.

Two representations were received as a result of the publicity. The comments raised are summarised as follows:

- The height of the building means the western end of my property and garden will be overlooked
  Officer response: This is noted. The impact upon residential amenity has been considered under section 3 of this report.

- The grey wooden building material is not in keeping with the existing buildings in the street
  Officer response: This is noted. The impact upon visual amenity has been considered under section 2 of this report.

- Badgers and foxes make their way from Penny Spring Woods through our gardens and cross the road exactly where the proposed development is sited, an ecological survey should be carried out
- Plans to provide for 6 vehicles means vehicular access to off road parking is going to cause congestion at this point in the road i.e.my on road parking will be compromised
  Officer response: This is noted. The impact upon ecology, parking and highway safety has been considered under section 4 of this report.

- The proposed terrace / balcony at the front of the property directly overlooks our home. This is an objection on we believe we have raised before in relation to this developer's plans
- *Officer response: This is noted. The impact upon residential amenity has been considered under section 3 of this report.*

- Regarding Kirklees Council's Biodiversity Net Gain (BNG) requirements the application responds as "Not Applicable". We'd like to draw to your attention to the observed presence of badgers and foxes regularly vising the site and bats above and around the site. On that basis, and as badger surveys should be carried out within 12 months of the application, we'd request that a new ecological survey is carried out and reported
  Officer response: This is noted. The impact upon ecology has been assessed under Section 4 of this report. Officers consider a sufficient level of information has been submitted with regard to ecology to progress the application to determination.

Consultation Responses

No consultation undertaken. Previous consultee responses for 2022/90085 considered sufficient.

KC Highways Development Management: No objection.

KC Trees: No objection

KC Environmental Health: No objection subject to electric vehicle charging point condition and conditions relating to contaminated land.

West Yorkshire Ecology: No comments

Policy

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 within the Local Plan.

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** – Highways Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality.
- **LP 53** – Contaminated 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.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the

purposes of this application, no weight is given to the current consultation document.

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 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

Other Considerations:

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

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) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the KLP 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..."

The site is within the Huddersfield Sub Area. The listed qualities will be considered where relevant later in this assessment.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the KLP establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 2-3 dwellings. However, Policy LP7 states this target should be 'where appropriate' and in the policy justification set out in paragraph 6.40 in notes that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. One dwelling is proposed in this instance, and given the above this is considered appropriate. It is considered that any more dwellings on the site would likely result in a cramped form of development that would fail to sympathetically integrate with existing spacious linear development in the immediate locality.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

In addition, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

the scale of development in the local area, thus retaining a sense of local identity.

Policy 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."*

Principle 5 of this SPD states that: *"Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography."*

Principle 15 states that the design of the roofline should relate well to site context. 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, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Whilst not a definitive building line on this street, the set back of the proposed dwelling would be broadly in keeping with dwellings on the east side of Foxglove Road.

In terms of scale and massing, the proposed split-level dwelling, comprising three storeys to the front and two storeys to the rear, is considered acceptable

and appropriate, taking into account the height and form of surrounding dwellings and the extant permission for a split-level dwelling of the same scale and design on the site (ref: 2022/92372). The maximum height of the dwelling would not be excessive in this context and would in fact be marginally lower than that of the recently approved dwelling on the site (ref: 2022/90085).

The dwelling would occupy a relatively large L-shaped footprint; however, this form has already been accepted in principle through a recent approval on the site and would not result in an overdevelopment of the plot.

The proposal includes two wide gable elements to the front, linked by a flat roof element. This approach was previously approved through an upheld appeal (Appeal ref: APP/Z4718/W/22/3309815), in which the Inspector concluded:
“The proposed dwelling would be of a similar scale and massing, albeit slightly lower in height than the approved dwelling. This reduction in height would serve to reduce the overall dominance of the dwelling. The proposed ridge height is reflective of the heights of the surrounding properties and would not appear dominant within the context of the neighbouring dwellings.

The secondary gable would be stepped back, retaining the L-shaped layout previously approved. As a result, the introduction of this gable feature, would not significantly increase the overall bulk of the dwelling.”

Officers therefore afford weight to the Inspector’s findings, and officers concur with this assessment. As such, it is considered the proposed dwelling would not appear overly dominant or visually intrusive and would have an appropriate and acceptable impact in terms of scale and bulk.

The dwelling would be set in from both side boundaries, and the separation distances to neighbouring properties would be sufficient to ensure the development does not appear cramped or overbearing. The site would comfortably accommodate on-site parking and would provide a generous rear garden.

Turning to materials, the design adopts a balanced mix of traditional and contemporary architectural elements, enabling the dwelling to integrate successfully with its surroundings. Given the varied roof forms and architectural styles along Foxglove Road, the proposal would sit comfortably within the existing character of the area. The combination of traditional gables with contemporary materials and flat roof elements results in a design that is visually coherent and responsive to the local design. The proposed metal roof covering is also considered acceptable, having regard to the diversity of materials present along the east side of Foxglove Road and the fact that a similar palette has already been approved on the site. Any remaining matters relating to material specification can be satisfactorily addressed by condition.

Although a substantial hard-surfaced area is proposed to the front of the dwelling, this would be mitigated by the inclusion of roadside planting, which would soften the visual impact and maintain an appropriate landscaped

setting. The proposed patio and regrading works are modest in nature and would not result in the undue urbanisation of the site. Details of landscaping and boundary treatments could be robustly controlled through the use of conditions, if permission were to be granted.

For the reasons set out above, officers conclude that the proposal would preserve the character and appearance of the area. Subject to the aforementioned conditions, the development is compliant with Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 15 of the Kirklees Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

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 text supporting this principle also states that*: "For two storey houses typical minimum separation distances are advised:*

- *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.*

It is considered that the properties most likely to be affected by the proposed development are those adjacent, these being No.11a and No.9 Foxglove Road, as well as the properties directly across the road, these being No.14 and No.16 Foxglove Road. It is considered that the proposed dwelling would be sufficiently sited so as to prevent undue harm to the amenity of any other neighbouring properties in terms of loss of light, loss of privacy or overlooking, loss of outlook or the creation of an overbearing effect.

<u>No.9 Foxglove Road</u>

No.9 is a 2 ½ storey detached property to the north of the site which is set within a generously sized plot. This neighbouring dwelling is set off from the shared boundary with the site by ~15.5 metres and would be ~17.4 metres away from the proposed dwelling.

There are a number of side windows within No.9 which face towards the site, a number of which serve habitable rooms, but the separation distance is considered to be acceptable and prevent undue loss of outlook, overshadowing and loss of light to these rooms. Ground floor and first floor windows are proposed in the side elevation of the dwelling facing towards No.9. Ground floor windows and one first floor window would be within the south gable which is set off some distance from the shared boundary, and it is considered that these would not achieve unduly harmful views of the neighbouring garden or side facing windows within No.9 (especially with reference to distances within the Housebuilders Design Guide SPD guidance). Of note, these windows would be over 21 metres away from the side facing windows within No.9. Whilst a balcony is proposed at the end of this south gable, Officers also consider such harm would be avoided from this element due to these separation distances. Another first floor window is proposed and this would be closer to the shared boundary, but this serves a non-habitable room and can be conditioned as obscurely glazed and fixed shut to prevent undue overlooking into the neighbouring garden.

The dwelling would be sited relatively close to the shared boundary and is to be to the south of No.9, but given the large scale of the garden at No.9 it is considered that the proposal would not result in adverse levels of overshadowing or an undue overbearing impact to No.9.

Whilst rear facing windows in the proposed dwelling would gain oblique views of the rear garden at No.9, such a relationship is common in the locality and considered acceptable (also very similar to the relationship the already approved and extant dwelling at the site would have with No.9 in that respect). A balcony is proposed to the rear of the dwelling, and this has the potential to result in new views into this neighbouring property, but the set off from the shared boundary (~10.7 metres) is considered acceptable so as to prevent undue overlooking into the garden from the balcony.

With regard to overlooking and loss of privacy at the northern side of the dwelling, the patio would appear to be a height of ~0.6 metre. Officers consider given how far out the patio projects at this end and its proximity to the shared boundary, and it is considered that details of some form of privacy screen to the north of the patio should be conditioned to prevent such harm (should permission be granted).

Thus, subject to conditions, Officers consider that the proposal would not cause undue harm to No.9 in terms of loss of light, loss of outlook, loss of privacy or overlooking, overshadowing or the creation of an overbearing effect.

<u>No.11a Foxglove Road</u>

No.11a is a two storey detached property to the south of the site which has been recently constructed. The south facing side wall of the proposed dwelling would be ~6.6 metres from the side wall of the main body of this existing dwelling, although it would be closer to the garage to the front of this dwelling (~3.6 metres). There is only one window in this side elevation of No.11a and due to the separation distance involved, it is considered there would likely be a loss of outlook and light from this window. However, this window appears to serve a dressing room (non-habitable) and is connected to a bedroom which benefits from a rear facing window. This relationship is therefore considered acceptable. In addition, the south facing side wall of the proposed dwelling is proposed to have no openings thereby helping to prevent a loss of privacy.

The dwelling would project beyond front facing wall of the main body of No.11a, and whilst it appears that this would just breach a horizontal 45 degree line from the nearest front facing window in No.11a, given the amount of separation between the dwelling and that the nearest font facing window serves a bathroom (a non-habitable room), this relationship is considered acceptable.

The dwelling would not protrude beyond the rear wall of the dwelling at No.11a and it is thereby considered this proposed dwelling would not unduly overbear the garden of this neighbouring property or unduly restrict light to the rear facing windows at No.11a.

Whilst rear facing windows in the proposed dwelling would gain oblique views of the rear garden at No.11a, such a relationship is common in the locality and considered acceptable. A balcony is proposed to the rear of the dwelling, and this has the potential to result in new clear views into this neighbouring property, especially given its proximity to the shared boundary and it is considered that a privacy screen is required on the south side of this balcony. Details of this can be conditioned should permission be granted.

In respect of the front balcony proposed, whilst this would be close to the shared boundary with No.11a, as this would mainly look onto the driveway and garage (which are visible from the public domain) and the front windows of No.11a are set at an oblique angle to the balcony, it is considered that this element would not cause undue harm in terms of loss of privacy or overlooking to No.11a.

Thus, subject to conditions, Officers consider that the proposal would not cause undue harm to No.11a in terms of loss of light, loss of outlook, loss of privacy or overlooking, overshadowing or the creation of an overbearing effect.

<u>No's. 14 and 16 Foxglove Road</u>

These properties are located directly across Foxglove Road. However, it is considered that the front wall of the dwelling would exceed 21 metres from the

from elevations of the dwellings at these neighbouring properties. It is considered that the proposed dwelling would be sufficiently sited so as to prevent undue harm these properties across the road in terms of loss of light, loss of outlook, loss of privacy or overlooking, overshadowing or the creation of an overbearing effect.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposed floor area of the dwelling would comfortably exceed the minimum figure recommended within the Nationally Described Space Standards for a 3 storey 5 bedroomed dwelling. In addition, the amount of external amenity space for the proposed dwelling of this size is considered to be generous.

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, in respect of residential amenity, as well as Principles 6, 16 and 17 of the Kirklees Housebuilders Design Guide SPD.

4 – Impact on highway safety:

Paragraph 116 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* This is echoed in Policy LP21 of the Kirklees Local Plan.

Principle 12 of the Housebuilders Design Guide states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.

In relation to the previous application at the site (2022/90085), KC Highways Development Management (KC HDM) noted that Foxglove Road is a 30mph

two way single carriageway residential cul-de-sac of approximately 6m width with footways on both sides and street lighting present. They went on to note that the site is approximately 270m to bus stops on a medium frequency route and there are shops and facilities approximately 1km from the site, with the closest primary school being approximately 1km away.

No trip generation details were provided with the previous application (like this application), but KC HDM did not consider that a proposal of that type and size would generate sufficient additional traffic as to have a severe impact on the operation or efficiency of the local highway network. Similar to the dwelling approved under 2022/90085, a five bedroomed dwelling is proposed under this current application and Officers therefore consider that the proposal is unlikely to have a severe impact on the operation or efficiency of the highway network.

KC HDM previously stated that the access to the site fails to achieve the recommended 2.4m x 43m visibility splays for a 30mph road. However, they went on to note that the bend on the road would probably reduce car speeds to below 30mph and the very low number of vehicles expected to use the road at this point (there are only 9 dwellings located past the proposed site) would lower any opportunity for conflict. KC HDM noted that there was sufficient turning space on site to allow vehicles to enter/exit the site in forward gear and so the shortened visibility splays are, on balance, not a significant concern. The access and turning areas proposed have a similar siting under this application to what was approved under 2022/90085 and therefore it is considered that the access would be acceptable.

For a development of this type and size (5 bedroom dwelling), the Kirklees Highways Design Guide SPD recommends at least 3 off road parking spaces. Drawing No. 20118D-13-P05 displays an integral double garage with internal measurements of approximately 5.7m x 6m and this is considered to be sufficient for two parking spaces (with reference to the Highways Design Guide SPD). There appears to be sufficient space on the driveway to allow for an additional parking space and still maintain suitable space to allow cars to turn within the site. Thus, it is considered that the at least 3 off road parking spaces could be provided on the site in accordance with local guidance.

Drawing No. 20118D-13-P05 also displays the location of waste bin storage and a collection presentation point adjacent to the rear of the adopted footway and these are acceptable.

With the above in mind, on balance given the reduced visibility splays, the proposal is considered to be acceptable on highways safety grounds. The proposal is therefore considered to be in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Kirklees Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

<u>Trees:</u>

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Whilst there are some trees within the site, and the proposal could result in the loss of these, none of these are protected or considered to be of high amenity value.

In relation to the previous application for residential development at the site (2022/90085), KC Trees stated that whilst there are trees to be removed within the scheme, these are in close proximity to the existing dwelling and are likely to need removing in the short term regardless of these proposals. KC Trees went on to note that the removal and replacement of these trees with smaller trees would be acceptable and more likely to achieve healthy trees which do not conflict with the existing and proposed dwellings. The siting and footprint of this approved dwelling and the proposed dwelling are relatively similar, therefore these comments are considered relevant.

There was some tree removal previously which makes this site easier to develop and it is considered that the landscaping proposed on the site frontage should include standard trees capable of contributing to the setting of the street. At present it refers to changing the existing shrubs for a new landscaping scheme which should include two or more trees capable of achieving a 15m or taller when fully grown. A landscaping scheme can be conditioned should permission be granted. Given the above, subject to a landscaping scheme being conditioned, it is considered that the development is acceptable from a trees perspective.

Ecology:
Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The site lies in an area identified as a Bat Alert area on the Council's geographical information system. The site previously comprised of a well-maintained domestic curtilage, and although this appears to have been left to grow, Officers consider that it is still unlikely to have high ecological potential. West Yorkshire Ecology Service also previously raised no objections to the previous application for residential development at the site (2022/90085).

However, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD set out that proposals should

provide net gains in biodiversity. As a consequence, and because the site is identified as being within a bat alert layer, it would be considered necessary to condition the provision of a bat and bird box on the dwelling should permission be granted.

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

The applicant has stated the application falls under the 'self-build and custom housing' exemption category within the application forms. Therefore, in light of the submitted detail it is considered the application is exempt from a BNG uplift.

Climate Change:
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. Proposals should seek to design water retention into proposals

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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the nature of the scheme, this being a proposal providing a new residential unit in a sustainable urban location, it is considered that one electric vehicle charging point for the dwelling should be provided to aid in the contribution to climate change. All new dwellings are required to provide an electric vehicle charge point, a condition is therefore not necessary.

In addition, the parking areas should be constructed of a permeable surface to prevent an increase in surface water run-off and in the interests of sustainable drainage. Subject to this, it is considered that the proposed development would comply with Principle 18 of the Housebuilders Design Guide SPD,

Policies LP24, LP28 and LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Contaminated Land:
KC Environmental Health have been consulted on the proposal.

A Phase 1 Environmental Desk Study Report by RGS, dated the 18th of March 2024, ref: C4121/24/E/6296 has been submitted as part of this application. The report contains geotechnical information, which is beyond the remit of Environmental Health, therefore officers provided comment in relation to contaminated land only.

The site is described as an undeveloped plot of land predominantly comprising scrub and overgrown gardens located between 9 and 11A Foxglove Road. A site walkover was conducted on the 27th of February 2024, no visible sources of contamination were identified during the walkover.

The historical land use of the site has been presented and reviewed since 1854; whilst a quarry is within 250m and a historic refuse tip is identified circa 200m off site, the site itself is presented as agricultural land and garden. Table 2 informs, the site is not recorded to be within an area of probable shallow coal mining workings, area of possible shallow coal mining workings or a high risk development area as defined by the Coal Authority.

The conceptual site model identifies several potential pollutant linkages. There are risks associated with onsite levelled made ground, offsite possibly infilled quarries, which necessitate further investigation.

It is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified. Based on the opinions and interpretations of the report author KC Environmental Health have no objections to the proposed development, subject to the inclusion of conditions.

Therefore, given the response of KC Environmental Health, subject to conditions, officers consider the proposal would be in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework.

Construction:
Under 2022/90085, KC Environmental Health requested conditions in relation to construction site working times. Construction practices are covered by other regulations, and construction practices are not a material consideration in the assessment of this application. However, an informative in relation to good practice could be attached should permission be granted.

6 – Representations:

None received.

7 – 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2025/93354

Officer Recommendation: Refuse

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP03, LP07, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52, LP53 of the Kirklees Local Plan,, and Policies within Chapters 2, 4, 5, 8, 9, 12, 14 and 15 of the National Planning Policy Framework.

2. Prior to the first occupation of the dwelling hereby approved, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
   - tree and shrub planting (including their species, number, size, and positions);
   - position, height, and materials of any boundary treatments, retaining structures or other means of enclosure; and
   - hard surfacing materials.

   The landscaping works (except planting) shall be carried out in accordance with the approved details before any part of the development is first occupied.
   Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity to accord with policies LP24 and LP30 of the Kirklees Local Plan and the policies contained within Chapters 12 and 15 of the National Planning Policy Framework.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
   Reason: To ensure that habitat and biodiverse planting is provided by the development to accord with policies LP24 and LP30 and Chapters 12 and 15 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class(es) B and C of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
   Reason: To ensure the development has an acceptable impact upon the residential amenity of neighbouring occupiers and does not lead to overlooking to accord with policy LP24 of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilder Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

5. The development shall not be brought into use until a plan detailing the positioning and location of a Bat box (Schwegler 1WI Bat Box or similar) shall be submitted to, and approved in writing by, the local authority. The development shall not be brought into use until the approved scheme has been completed which shall be retained thereafter.
   Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

6. Notwithstanding the plans submitted, the rear balcony shall not be brought into use until a 1.8 metre obscurely glazed screen (to a minimum privacy level of Grade 4 or equivalent) has been constructed to the south elevation of the balcony. The obscure glazed screen shall thereafter be retained.
   Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

7. Prior to the first occupation of the dwelling hereby approved the privacy screen to the north of the raised patio to the rear elevation of the dwelling shall be constructed in accordance with the details that shall first have been submitted to and approved in writing by the local planning authority and thereafter retained.
   Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

8. The development shall not be occupied until the upper ground floor window, serving the en-suite bathroom in the north (side) shown on drawing no 20118D-14-P03 hereby approved has been obscurely glazed minimum grade 4. The obscure glazing shall thereafter be retained for the lifetime of the development.
   Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees

Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

9. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. 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 prevommencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 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 prevommencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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. 189 and 197 of the National Planning Policy Framework.

13. 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and 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. 189 and 197 of the National Planning Policy Framework

NOTE: Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00hours, Saturdays
With no noisy activities on Sundays or Public Holidays

NOTE: 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: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the 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.

NOTE: 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+ A2:2017Investigation 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site plan as existing	20118D-01-P02	-	04/12/2025
Site plan as proposed	20118D-11-P03	-	04/12/2025
Site analysis	20118D-03-P02	-	04/12/2025
Floor plans as proposed	20118D-13-P05	-	04/12/2025
Elevations as proposed	20118D-14-P03	-	04/12/2025
Phase 1 Environmental Desk Study Report	C4121/24/E/6296	-	04/12/2025
Design & Access Statement dated 28 November 2025	20118	-	04/12/2025
Climate Change Statement	-	-	08/12/2025
Application form	-	-	08/12/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments sought.

Report Dated: 06/03/2026