

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:	2026/62/91392/W
Site Address:	257, Birkby Road, Birkby, Huddersfield, HD2 2DW
Description:	Demolition of existing dwelling and erection of dwelling with garage, access and associated works
Recommending Officer:	Joshua Merriman

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 5-AUG-2026

Officer Report – 2026/91392

Site Description

257 Birkby Road is a detached dwelling located in Birkby, Huddersfield. The property is finished in timber cladding and brick with a shallow lean-to roof incorporated above. A flat roof garage and an attached car port are sited to the front of the existing building. The site lies within an established residential area whereby surrounding development varies in terms of design and scale. It is set within generous landscaped grounds containing mature vegetation and a large rear garden. Vehicular access is taken from Birkby Road, with on-site parking provided to the front. The land slopes gently towards the rear, which facilitates the split-level form of the building incorporating both ground and lower-ground floors.

The locality is characterised by dwellings in generous sized gardens, which are of a variety of style, type, age and design.

Description of Proposal

The Scheme

The application is seeking planning permission for the demolition of the existing dwelling and the erection of a replacement dwelling with garage, access and associated works.

The proposed dwelling would appear as a bungalow with living accommodation also at a lower ground floor level. The siting of the dwelling would be similar to the existing dwelling, being set back from the pavement, with the front elevation facing Birkby Road.

The dwelling will have a maximum height of 8.36m, eaves height of 5.22m, and a width of 21.29m. The dwelling would use a pitched gable roof and show a gable end to the front elevation. The rear elevation includes solar panels to the rear roof slope, as well as full length windows and doors, and a glass balustrade terrace.

The roof of the property will not symmetrically intersect at the top of the dwelling; however, this will only be viewed from the side elevations.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Supporting Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications

88/02474 - New pitched roof to replace existing flat roof – Granted Conditionally.

99/92245 - Erection of detached garage and car port – Conditional Full Permission.

2025/93345 - Replacement of roof including increasing height of eaves and ridge, erection of two storey side and single storey front extensions, demolition of existing garage and erection of detached garage to front, widening of existing access with associated surfacing and works – Conditional Full Permission.

Officer Note: It should be noted that previous permission 2025/93345 approved the same scheme as the current application.

Representations

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 16/07/2026.

As a result of the publicity period, no representations received.

Consultation Responses

KC Ecology – No objections subject to conditions.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP7 Efficient and effective use of land and buildings
- LP11 Housing Mix and Affordable Housing
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP51 Protection and Improvement of Local Air Quality
- LP52 Protection and Improvement of Environmental 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.

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.

- Chapter2 Achieving sustainable development
- Chapter5 Delivering a sufficient supply of homes
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Land contamination
7. Representations
8. Conclusion

1 – Principle of Development

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.

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.”

Policy LP7 of the Kirklees Local Plan states that should encourage 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.

Policy LP1 of the KLP 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 all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The constraints of the site, and having regard to the response of the Council's Highways Team lead to the conclusion the density of the development would likely be considered to meet the requirements of Principle 4 of the Housebuilders Design Guide and Policy LP7 of the Kirklees Local Plan.

The proposal seeks planning permission for the erection of a replacement detached dwelling and would assist in meeting the housing needs of the Council. This would be ‘in line’ with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

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 inter alia 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.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on character and appearance of the area

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

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, 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 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, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The siting of the proposed dwelling would broadly reflect both the position of the existing property on the plot and that of the previously approved scheme (ref: 2025/93345). Its placement would also align with the general building line of neighbouring dwellings on the south side of Birkby Road, where the street scene is not characterised by a particularly strong or uniform frontage. The development would retain a generous rear garden and provide parking, garden space, and a garage to the front, consistent with the existing arrangement and with the prevailing pattern of development in the locality. This helps to preserve the suburban, spacious, and green character of the area.

The dwelling would maintain a 2-metre separation to all surrounding boundaries, as the existing dwelling does, ensuring that a sense of openness between buildings is retained, in accordance with the Kirklees Housebuilders Design Guide SPD. The massing and height of the dwelling remains similar to that of the existing building and previous permission 2025/93345, ensuring that the overall volume and visual presence of the dwelling remain appropriate for the plot and surrounding street scape.

Although the proposed garage is to be sited to the front of the site, it is considered that the outbuilding is still set adequately back from the highway and is of a subservient form to the existing buildings and surrounding dwellings as not to have a significant impact upon the surrounding street scene. As such, the size and scale of the garage are considered proportionate to the plot and acceptable in design terms given the use of materials to match, or appear sympathetic to, the existing building.

The dwelling would also follow the stepped ridgeline of neighbouring properties, allowing its height to sit comfortably within the established pattern of development. In addition, the building's set-back from the highway further

reduces its prominence when viewed from the street, helping to ensure that the proposal integrates sensitively with its suburban context.

The proposed dwelling adopts a contemporary architectural approach, incorporating generous areas of glazing to both the front and rear elevations. This modern expression is considered appropriate in the context of Birkby Road, where the streetscape is characterised by a varied mix of architectural styles, building ages, and façade treatments. This is exemplified by the recent approval for a new dwelling at 259 Birkby Road, which takes on a contemporary design, utilising gables to the frontage and being characterised by the intense use of glass. It is considered that the proposed dwelling at 257 Birkby Road would complement this recent approval, maintaining aspects of uniformity in what is otherwise a varied street scene.

The proposed rear terrace is also considered to be acceptable visually, appearing well-designed in the context of the site, and having no significant impact upon the surrounding street scene given its location to the rear of the dwelling.

The use of stone cladding, render, artificial slate roof tiles, aluminium and uPVC windows, and composite doors are all considered acceptable in the context of the varied street scene throughout Birkby Road. It is considered that there are no certain materials which would constitute a greater 'match' or enhance the uniformity of the street scene, therefore, in the absence of garish and outlandish materials, it is considered that the dwelling would appear sympathetic in the locale, complementing the character of nearby dwellings, especially the recent approval at 259 Birkby Road.

The details of the hard landscaping appear acceptable in principle and further details of this could be conditioned, along with details of boundary treatments, should permission be granted so as to achieve a high standard of development.

Given the above, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality, subject to conditions. The proposal is therefore considered to be in accordance Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.*

The properties mostly likely to be affected by the proposed development are considered to be No's.255 and 259 Birkby Road. The impact upon these properties will be discussed below.

Whilst there are a number of properties to the rear of the site, the proposed dwelling would be between 22m from the rear boundary of the site. It is also noted that the proposed rear balcony will retain a separation distance of approx. 20m to the rear boundary. Given the generous separation distances in place, along with mature hedging along the rear boundary acting as a screen, the proposal is not considered to result in any undue harm to the amenities of properties located to the rear in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

No. 255 Birkby Road

No. 255 is East of the application site, and is a part two-storey, part single-storey property. The proposed dwelling would be set rather significantly back from the front elevation of No.255, with the rear elevation of the propped dwelling being set slightly back from the rear elevation of the neighbouring

property. The proposed garage would be aligned with the front elevation of the neighbouring property.

Given the application property is single storey, is of a lesser height than No. 255, and is set in from the shared boundary, it is considered that there would be no impacts by way of overshadowing, overbearing, light, or outlook. Neither the dwelling or garage are considered to cut the 45-degree line when measured from the nearest rear and facing windows of No. 255. Moreover, the boundary wall between the properties is of a significant enough scale to prevent overlooking and privacy impacts.

It is considered that rear windows beyond ground floor height in the proposed dwelling would not achieve significantly different views to the rear facing first floor windows of the existing dwelling at the site. There are two side windows facing No. 255 in the proposed dwelling, both servicing bedrooms, however, given the heavy natural screening and large boundary wall between the sites, it is considered that these will provide no vantage points greater than existing from the existing dwelling and will facilitate no significant overlooking or privacy impacts.

To safeguard privacy, a condition is recommended to be attached for the installation of 1.8m high privacy screens along both side elevations of rear terrace, should planning permission be approved.

Given the above, it is considered that the proposal would not cause undue harm to No.255 in terms of loss of light, loss of outlook or the creation of an overbearing effect

No. 259 Birkby Road

No. 259 Birkby Road is to the West of the application site, and is a part two-storey, part single-storey dwelling, with the single-storey element protruding to the front of the dwelling, and a lengthened pitched roof which leans into the two-storey element of the dwelling further towards the rear of the site.

The newly approved dwelling at 259 Birkby Road would be a significant increase compared to what is existing, meaning the new dwelling at the application site would sit within the footprint of the neighbouring property, from the front to rear elevation. Taking this into account, the new dwelling would therefore not cut the 45-degree line to the closest windows in the front or rear of the neighbouring property at No. 259.

There are no side windows proposed in the new dwelling that would face towards No. 259, and given a condition is to be added to ensure privacy

screens are used to the rear terrace, it is considered that there will be no overlooking or privacy impacts onto the neighbouring site greater than what exists.

The proposed dwelling would allow a good outlook and receipt of natural light to its occupants, the landscaping of the site would ensure that a generous amount of outdoor amenity space would be provided, and floorspace would be comfortably in excess of that required under the Nationally Described Space Standards for a three-bedroom house.

In conclusion, subject to the aforementioned conditions, it is considered that the proposals are acceptable with regard to impacts on residential amenity, in accordance 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.

An informative will be attached to control the hours of construction to protect residential amenity of surrounding residential properties.

4. Impact on Highway Safety

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

Principle 12 of the Housebuilders Design Guide 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 Housebuilders Design Guide SPD also 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.

A 3-bedroom dwelling is proposed at the site, and the Kirklees Highways Design Guide SPD states that at least 2 on-site spaces are required for dwellings with 2-3 bedrooms.

A garage is proposed within the front amenity space at the dwelling which is of large enough dimensions to facilitate one parking space, and the hard-standing area to the front of the dwelling will be adequate for a second on-site parking space. Parking arrangements on site will appear the same as in previous permission 2025/93345, which KC Highways Development Management had no objection to.

A condition is recommended to be attached, should planning permission be approved, to ensure the parking areas on site are surfaced in permeable materials which do not increase flood risk in the locale.

It should be noted that the development proposes a widened access to the site, as a result the existing dropped curb will also need to be widened. To do so, a Section 184 agreement must be pursued, and an informative is recommended to be attached advising the applicant of this requirement.

There is considered to be sufficient space for bin storage on the site, and waste collection is to remain unaltered.

For the aforementioned reasons, subject to an appropriately worded condition, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD, and Chapter 9 contained within the National Planning Policy Framework.

5. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

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 granted pursuant to an application submitted after 12 February 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 submitted application form outlines that the application falls under the self-build and custom-built exemption. Therefore, BNG is not required under this application.

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

As the site is located within a bat layer, it is considered necessary to condition the provision of bat and bird boxes on the proposed dwelling.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD

7. Land Contamination

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.

The site is not on land identified as potentially contaminated. As such, if any land contamination is encountered during construction works, a condition will

be implemented to ensure the applicant reports any unexpected land contamination.

The application site falls within the defined Development Low Risk Area and as such raises no concern in this regard.

As such, subject to the inclusion of aforementioned conditions the proposal complies with LP51 and LP52 of the Kirklees Local Plan.

8. Representations

No representations have been received.

9. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

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

Recommendation
PERMISSION

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/91392

Officer Recommendation: Conditional Full Permission

Conditions

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP21, LP22, LP24, LP28, LP30 and LP33 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 2, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

2. Prior to the first occupation of the dwelling hereby approved, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and shall include:

- Details of boundary enclosures, including location, heights and materials; and
- Details of pavements, pedestrian accesses and steps.

Thereafter, and prior to the first occupation of the dwelling hereby approved, the development shall be constructed in accordance with the approved details and retained thereafter.

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

3. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on the proposed site plan, received 10/06/2026, are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

4. Notwithstanding the plans submitted, the balcony shall not be brought into use until an obscurely glazed screen (to a minimum privacy level of Grade 4 or equivalent) to a height of 1.8m high has been constructed to the side elevations of the rear terrace. 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 the Key Design Principles of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

5. A bat box shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The bat box shall be provided prior to first occupation of the dwelling and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders SPD and Chapter 15 of the National Planning Policy Framework.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: So as to protect future occupants of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone

intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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: 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 Bank/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: We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the Air Quality & Emissions

Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote. 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. Approval of EVCPs under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Documents.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38, 184 or 278 agreement of the Highways Act 1980, or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). 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, Proposed Plans, and Elevations	2582-0310-P04	-	24/07/2026
Existing Streetscene	2582-0401-P01	-	10/06/2026
Proposed Streetscene	2582-0402-P01	-	10/06/2026
Application Forms	-	-	10/06/2026
Supporting Statement	-	-	10/06/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the

applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

17/07/2026