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:	**2026/62/91662/W**
Site Address:	8, St Pauls Road, Kirkheaton, Huddersfield, HD5 0EX
Description:	Engineering works to form retaining wall including associated works
Recommending Officer:	Faiza Bano

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.

John Holmes

AUTHORISED OFFICER

Date: 05-Nov-2026

Officer Report – 2026/91662

Site Description

The application site consists of a detached dwellinghouse and its residential curtilage located on St Pauls Road. The works are situated within the rear garden area of the property. The site is characterised by sloping land and differences in levels between the application site and adjoining residential properties. The rear garden is enclosed by existing boundary treatments and shares boundaries with neighbouring residential curtilages. The surrounding area is predominantly residential in nature, comprising detached and semi-detached dwellings set within private garden plots.

Description of Proposal

The Scheme

The application relates to engineering operations involving the construction of a retaining wall and associated landscaping works within the domestic curtilage of the property.

Supporting Information

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

- Covering Letter

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

None.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter

The application has been publicised as on the Council's website and by site notice. The expiry date of the publicity period was the 17/09/2026.

Other than confirmation from Kirkburton Parish Council that they have no objections, no third party representations have been received.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019).

The site is subject to the following planning policy designations and constraints:

- Development Low Risk (Coal Mining Legacy)

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
LP21 Highway and Access
LP22 Parking
LP24 Design
LP30 Biodiversity and Geodiversity
LP53 Contaminated and Unstable Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

Chapter4 Achieving sustainable development
Chapter 5 Meeting the challenge of climate change
Chapter14 Achieving well-designed places
Chapter 17 Pollution, public protection and security

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations 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

1 – Principle of Development

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 4 of the National Planning Policy Framework. The objectives of the policies in chapter 4 are to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements. For proposals within settlements policy S4 sets out development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 14 of the NPPF, regarding design, 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.

Considering the above policy, the principle of the development is considered to be acceptable.

2 – Impact on character and appearance of the area

Visual Amenity

Chapter 14 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'.

Key Design Principles 1, 2, and 9 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Due to the sloping nature of the site and the variation in land levels, the retaining wall is considered to respond to an existing site characteristics and has been suitably integrated with the use of gabian baskets with brick infill.

The retaining wall is viewed primarily within the context of the host property's garden and is read as a functional engineering structure associated with the management of ground levels. Given the use of appropriate materials and finishes, the development is not considered to appear incongruous within the streetscene nor detract from the established residential character of the area. The proposal retains the domestic appearance of the site and does not adversely affect the form, scale or layout of the surrounding built environment.

In addition, Key Design Principle 1 of the SPD seeks to ensure development is in keeping with the appearance, scale, design and local character of the area, whilst Key Design Principle 9 encourages the use of appropriate construction materials. The proposed works are considered to accord with these principles, as the retaining wall would represent a subservient and ancillary feature within the residential curtilage and would not result in undue visual intrusion. Key Design Principle 2 is also relevant in requiring development to respect the existing property and remain proportionate to its setting. The proposed works are considered to satisfy this objective.

The proposal would see the introduction of a means of enclosure above the existing retaining structure, which would be approximately 1m in height being to enclose the level area. This element of the proposal is considered to have an acceptable visual impact.

Overall, it is considered that the proposal would preserve the character and appearance of the site and surrounding area and would not result in unacceptable harm to visual amenity.

Therefore, the proposed development is considered to comply with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 1, 2, and 9 of the House Extensions and Alterations SPD, and Policies within Chapter 14 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."*

Policy P3(2)(b) seeks to ensure developments do not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers

Key Design Principles 3, 4, 5, 6, and 7 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The proposal has seen the creation of a level platform, from which views are possible, however the extent of the views possible from the platform which has been created is not considered to be significant having regard to the distance of neighbouring dwellings from the proposal. Whilst there would be some level of views possible from the site, there is noted to be boundary screening between the site and neighbournig dwellings and taking into account the distances and spatial arrangements of neighbouring properties the proposal is not considered to have a significant impact in this regard and is therefore considered to accord with Key Design Principles 3 and 4 of the SPD.

With regard to daylight and sunlight, it is not considered that the scale, siting or orientation of the development gives rise to unacceptable overshadowing of neighbouring gardens or habitable room windows.

In respect of outlook and overbearing impact, the retaining is considered to be a functional engineering feature associated with managing changes in ground levels and having regard to the scale of the development is not considered to appear unduly dominant or oppressive when viewed from neighbouring properties.

The proposal would not result in the loss of private amenity space and would not prejudice the continued use and enjoyment of the garden areas associated with either the application property or neighbouring dwellings

As such, it is considered that the development does not result in unacceptable harm to the living conditions of neighbouring occupiers through overlooking, loss of privacy, overshadowing, loss of light, loss of outlook or overbearing impact. The development is therefore considered to comply with Policy LP24 of the Kirklees Local Plan, Key Principles 3, 4, 5, 6, and 7 of the House Extensions and Alterations SPD, and Policies within Chapter 12 of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the 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.

The development does not alter the existing vehicular access arrangements, result in additional parking demand, or prejudice the availability of existing off-street parking provision. As such, no adverse highway safety implications are identified.

5. Climate Change

Chapter 5 of the NPPF sets out policies relating to meeting the challenge of climate change. The objective of the policies in chapter 5 are details as being to support the transition to net zero by 2050 and to shape places in ways which are more resilient to the effects of climate change. It does this by setting out policies to shape places in ways that contribute to radical reductions in greenhouse gas emissions and adapt to the full range of current and potential impacts of climate change, by minimising vulnerability and improving resilience.

Considering the scale and nature of the development, especially that it is for private use, it is considered that the it 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 5 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

Chapter 19 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 proximity of an identified newt roosting area, it is considered the development does not significantly impact in this regard.

Coal Mining Legacy

Chapter 17, Policy P2 of the NPPF seeks to ensure that development is appropriate for its location, having regard to ground conditions and risks arising from land instability. Policy LP53 of the Kirklees Local Plan similarly seeks to ensure that development on potentially unstable land is appropriately assessed and that any identified risks are satisfactorily addressed.

The development comprises minor householder development. Having regard to the scale and nature of the development, the Coal Authority/Mining Remediation Authority's standing advice can appropriately be applied and brought to the applicants attention by informative. Subject to this, the proposal is considered acceptable in respect of coal mining legacy and ground stability.

7. Representations

The response of Kirkburton Parish Council is noted.

8. 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 CONDITIONAL FULL PERMISSION

Decision Authorisation: Delegated Powers

Application Number: 2026/91662

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).

2. 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, LP21, LP22, LP24 and LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 4, 5, 14, and 17 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Proposed (As Proposed) Site Plan & Sections	2026141-104-P0	-	29-Jun-2026
Proposed (As Built) Site Plan & Sections	2026141-103-P0	-	29-Jun-2026
Existing (pre development) site plan and sections	2026141-101-P0	-	29-Jun-2026
Location Plan	2026141-LOC-P0	-	29-Jun-2026
Covering Letter dated 17th June 2026	-	-	29-Jun-2026
Application Form	-	-	29-Jun-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 preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.