

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:	2026/62/91664/W
Site Address:	adj, 5, Fernside Avenue, Almondbury, Huddersfield, HD5 8NR
Description:	Demolition of existing building and erection of dwelling
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.

John Holmes

AUTHORISED OFFICER

Date: 1st September 2026

Officer Report 2026/91664

adj, 5, Fernside Avenue, Almondbury, Huddersfield, HD5 8NR

Site Description

The site consists of a former barn, most recently used as a builders' store, and associated land. The barn is built on to the end of a row of 3 dwellings, of which the nearest, 5 Fernside Avenue, is two-storey and un-Listed, whilst the other two, 1-3 Fernside Avenue, are Listed and three-storey. The row faces Fernside Avenue, and is elevated above it, but is separated from it by a narrow informal access track that provides access to Fernside Avenue at the junction with Almondbury Bank.

The site includes the strip of land between 1-3 Fernside Avenue and the highway, and also some land to the side and rear, part of which is surfaced in gravel and used informally for parking. The site is near-level with only gentle gradients. There is some slightly higher land at the rear which does not form part of this application. The buildings are built in stone and stone slates.

Description of Proposal

The proposal is for the demolition of existing building and erection of dwelling.

The proposed dwelling would form an end-terrace property and would be constructed in natural stone, with uPVC windows and doors incorporating sawn ashlar window surrounds. A row of integrated solar panels is proposed on the front roof slope. The dwelling would occupy the same footprint as the existing building to be demolished.

Two parking spaces would be provided to the rear of the dwelling and accessed via a shared driveway. A bin storage area would also be located to the rear.

Amenity space would consist of one garden plot proposed to the rear bounded by a 1.8m tall hit and miss timber fence.

Internally the dwelling comprise a open plan kitchen, dining and lounge with a utility room and wc at ground level and two bedrooms, two bathrooms and a study at first floor. The total floorspace of the property is 95.2m²

Summary of amendments received

The case officer requested the use of natural stone slate following discussions with KC Conservation and Design.

Relevant Planning History

95/92833 – Change of use of existing depot building and yard to one dwelling and residential garden. Approved, not implemented.

2001/90799 – Reuse of former barn and new extension to form dwelling and erection of detached double garage. Approved, not implemented.

2017/94072 – Demolition of existing builder's store / depot and erection of 2 terraced dwellings. Conditional full permission.

2018/93741 – Demolition of existing builder's store/ depot and erection of 5 dwellings and detached garage, formation of new access road and parking area. Invalid.

2019/91617 – Demolition of existing builder's store/ depot and erection of 5 dwellings, formation of new access road and parking area. Refused and appeal dismissed.

2019/94052 – Demolition of existing builder's store / depot and erection of 5 dwellings, formation of new access road and parking area. Invalid.

2023/91434 – Erection of 2 dwellings. Withdrawn / invalid.

2023/91887 – Demolition of existing building and erection of two dwellings – Conditional full permission

2026/90980 – Discharge of details reserved by conditions 3 (materials), 9 (boundary treatments), 11 (insulation) on previous permission 2023/91887 for demolition of existing building and erection of two dwellings – Split decision

Representations

The application has been advertised by newspaper advertisement, site notice and on the Council's website in accordance with the Council's adopted Development Management Charter which incorporates the requirements of article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

The application has been publicised as affecting the setting of a listed building.

Final publicity date expired: 4 August 2026.

No representations were received as a result of the publicity.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Highways Development Management – No objection
- KC Conservation & Design (informal) – Recommended for the roof to be faced in natural slates, as well as a condition for the solar panels.
- KC Ecology – Request a bat survey to be submitted.

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).

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'

- The site is without designation in the Local Plan proposals map.
- The development would affect the setting of two Listed Buildings, 1-3 Fernside Avenue.

English Heritage ref. 1134261-2.

List description:

FERNside AVENUE 1. 5113 Almondbury No 1 SE 1615 40/511 II GV 2.
Early or mid C19. Hammer-dressed stone. Pitched stone slate roof. 3 storeys.
One 8-light stone mullioned sash with glazing bars on 1st and 2nd floors. One
5-light stone mullioned window on ground floor. Door with 2 moulded panels.

FERNside AVENUE 1. 5113 Almondbury No 3 SE 1615 40/512 II GV 2.
Early or mid C19. Hammer-dressed stone. Pitched stone slate roof. 3 storeys.
One 6-light stone mullioned sash on each floor (one light blocked on 1st floor).

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 35:** Historic environment
- **LP51:** Air Quality
- **LP53** – Potential contamination

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.

- Chapter 5 – Meeting the challenge of climate change
- Chapter 6 – Delivering a sufficient supply of homes
- Chapter 12 – Making effective use of land
- Chapter 14 – Achieving well-designed places
- Chapter 15 – Promoting sustainable transport
- Chapter 19 – Conserving and enhancing the natural environment
- Chapter 20 – Conserving and enhancing the historic environment.

Assessment

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP).

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”.

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. In this case it is considered a higher density of development could potentially be achievable, although weight is afforded the extant permission that has previously been in place and the length of time the site has stood vacant despite gaining permission for redevelopment.

Furthermore, the site is to the rear of existing dwellings and there is potential that a higher density of development could lead to an adverse impact upon the amenity of neighbouring occupiers. Finally, the highway impact of multiple dwellings accessing the site from Fernside Avenue is taken into account. Combining these factors, it is considered that it would be unreasonable of the LPA to insist upon a higher density of development in this case taking account of the variety of property types in the locality and on balance the proposal is concluded to be acceptable having regard to the density of development which is proposed.

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.

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 policies S3 – S5 of Chapter 4. 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 this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the Listed Buildings, as well as other matters which are discussed as follows.

2 –Impact on visual amenity:

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.

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

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’*.

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the

site context, including topography, views, heights of buildings and the roof types.

The proposed dwelling would be located very close to nos. 1 & 3 Fernside Avenue, two grade II listed buildings. Consultation has taken place with the Conservation Officer.

The existing barn retains some traditional features but is much altered and is not considered to be of sufficient historical interest to qualify as a heritage asset. Its demolition would therefore not be a loss to the character of the area. It is noted its demolition can take place in any event by virtue of the extant permission (2023/91887)

The proposed dwelling would in terms of scale and layout be seen as a continuation of the short terraced row. Roof style and other design details, including fenestration, would copy or at least reference the local vernacular architecture.

It is considered that the new dwelling would relate well to the existing site topography and would not appear overly prominent as they would be seen in the context of gently rising land to the north. The placement of doors and windows, and the design and pitch of the roof, would relate to the street frontage and context.

The details state the elevations are to be constructed in natural stone with ashlar surrounds to openings to match the existing. Conditions requested by Conservation & Design for the previous application 2023/91887 are considered relevant for the consideration of this application and are:

- (i) that a sample walling panel should be prepared for inspection;
- (ii) that the roofing materials be natural stone slates (not artificial as requested) and
- (iii) (iii) that the windows on the south-eastern elevation should be conditioned to be constructed in timber, but there can be a relaxation to the north-western elevation.

It is considered that requiring the use of natural stone slates and the submission of specific pointing details would be disproportionate in this instance, given that the proposed development does not directly adjoin a Listed Building. Furthermore, the use of artificial stone slates, subject to appropriate details being secured by condition, would represent an improvement over the flat concrete roof tiles previously approved as part of the 2017 scheme. The use of non-traditional window materials, such as grey UPVC or aluminium, would not be considered to result in a discordant appearance or cause harm to the character and appearance of the terrace.

This is particularly relevant given the established variation in materials and detailing within the surrounding built form.

It is also noted that the proposed roofing materials have previously been accepted as part of the extant planning permission and subsequent discharge of conditions under application reference 2026/90980. As part of that application, the use of artificial stone slates was considered acceptable, whilst the use of artificial stone walling was considered unacceptable. This approach to the use of artificial stone slates on the site should be afforded appropriate weight in the assessment of the current proposal. The applicant's agent has also confirmed on previous inspection the stone slates on the existing building, many are severely weathered and fractured so would not be re-useable.

Nevertheless, it is considered reasonable and necessary to impose appropriately worded conditions requiring details and samples of the proposed external materials to be submitted and approved prior to their installation. This would ensure that the materials are of an appropriate appearance, retain the character of the terrace row, and avoid harm to the setting and significance of the nearby heritage asset.

Given the sensitivity of the site, it is recommended however that gutters are supported by corbels or brackets, not fixed to a fascia board, and are of traditional profile, and that gable ends are terminated with a mortar joint not bargeboards, in the interests of ensuring that they harmonise with the traditional appearance of no. 5 as well as the listed 1-3 and do not give rise to a jarringly modern feature.

It is considered that the development would result in an appropriate balance of built development and open land, and of hard and soft landscaping, in a way that is in keeping with the existing development, 1-5 Fernside Avenue.

In the interests of visual amenity and to ensure that the solar panels are appropriately integrated into the proposed roofscape, the Conservation Officer has recommended a condition requiring the panels to comprise black glass with black frames, with no silver linings, and to have a non-reflective finish. This is considered reasonable and necessary to minimise their visual prominence and ensure that they do not detract from the character and appearance of the development or the surrounding area.

In conclusion, it is considered that the development, subject to samples of walling and roofing materials being submitted, would at the very least conserve the setting of the Listed Buildings and possibly result in a modest enhancement through the removal of the dilapidated barn, and more generally

would conserve the townscape and visual amenity. The proposal would thereby accord with the aims of Policies 24(a) and 35, the principles within the SPD listed above, and Chapters 12 and 16 of the NPPF.

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.”

Policies within Chapter 17 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of 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

The following principles within the Housebuilder Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 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.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

The proposed dwelling would have their principal outlook to the front/south-east and rear/north-west. In both directions, the dwellings would benefit from

an acceptable outlook and adequate levels of natural light. The siting and orientation of the dwellings would also avoid unacceptable overlooking of neighbouring properties or the creation of undue loss of privacy at close quarters.

The proposal would not result in an overbearing impact on neighbouring properties. The dwellings would not project beyond the front or rear elevations of the existing Nos. 1–5, and would be separated from other third-party dwellings by a substantial distance. The minimum separation distances referred to above would therefore be achieved.

It is noted that there is an ongoing application to the rear of the site for the erection of a bungalow (application reference 2026/91663). A review of the submitted floor plans indicates that the principal habitable-room windows would be positioned to the rear, with windows serving bathrooms, utility rooms and a lounge proposed to the front. These front-facing windows would be screened by the proposed boundary treatments. There would be a 1-metre shortfall against the 12-metre separation distance recommended within the SPD between windows serving habitable rooms and windows serving non-habitable rooms. However, the proposal constitutes the redevelopment of an existing dwelling and, as such, the relationship between the proposed development and the bungalow would not be materially different from the existing situation. Furthermore, the first-floor windows would primarily overlook the rear amenity space and parking area associated with the host property. Views towards the rear amenity space of the proposed bungalow would be limited by the built form and associated boundary treatments. On balance, therefore, it is considered that the relationship between the two developments would not result in an unacceptable loss of privacy or residential amenity, and a reason for refusal on this basis could not be substantiated.

A 1.8-metre-high hit-and-miss timber fence is proposed around the rear amenity space and along the boundary between the application site and the adjoining plot to the south-west. The proposed boundary treatments are considered appropriate in terms of their siting and design and would integrate satisfactorily with the surrounding area. They would also provide an appropriate level of screening and assist in maintaining the privacy of both existing and future occupiers.

The proposed internal floorspace would amount to approximately 95.2 sqm, which exceeds the recommended minimum of 70 sqm for a two-bedroom, two-storey dwelling. The proposal would therefore provide an appropriate standard of internal accommodation for the intended occupants.

The proposed private amenity space is considered to be proportionate to the scale and nature of the proposed dwellings. Furthermore, the amount and quality of private amenity space would represent an improvement over the previous scheme. Overall, the proposal would provide an acceptable standard of residential amenity for future occupiers.

In conclusion, it is considered that the development would deliver an acceptable standard of living for future occupants and would not detract from the amenities of any existing dwelling. It would thereby comply with the aims of LP24(b) and the relevant parts of the SPD, subject to the conditions on fencing set out above.

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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The plans demonstrate a designated bin storage area to the rear of the dwelling, along with two off street parking spaces to the side along with associated turning areas. The Council's Highways Development Management team have been consulted on the proposal and have provided the following comments:

“Detailed planning approval for the demolition of an existing builders’ store/depot and erection of two terraced dwellings, was granted in 2023.

The approved scheme (Application No. 2023/91887) proposed two dwellings with four parking spaces.

This proposal is for one dwelling with two parking spaces and will, therefore, generates a lower parking demand and fewer vehicle movements than the previous approval As a result the proposal is acceptable.

The approved vehicle parking areas will need to 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.”

Taking the above into consideration, subject to a condition relating to surfacing materials, the development would accord with LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Climate change:

A Climate Change Statement has been submitted which sets out the following proposals:

- The dwellings will be highly insulated beyond the standards set out in the Building Regulations.
- The dwelling will be constructed from sustainably sourced local materials where possible. Existing demolition material will be stored for re-use where possible
- The proposal features integrated PV panels, and the house will be fitted with an air source heat pump.
- All new glazing will be high performance double or triple glazing
- Hand cutting of materials on site will be encouraged rather than high dust power tools where possible. Locally sourced materials where possible to reduce transport emissions. Demolition will be by hand where possible to minimise dust and noise

The site is considered to occupy a moderately sustainable location, being approximately 400m from a bus stop with at least an hourly service to Huddersfield Town Centre.

It is noted that the front-facing windows would benefit from morning sunlight, while the rear-facing windows would receive early-evening sunlight. This would provide a degree of passive solar gain and natural daylight whilst helping to limit the potential for overheating during the summer months. Given the scale of the proposal, comprising a single dwelling, the submitted details are considered reasonable and proportionate. Accordingly, no further details are considered necessary in relation to national and local carbon reduction objectives.

Biodiversity:

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such

as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

Policy N1 of the NPPF seeks to ensure improving the natural environment with part a setting out that developments should identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply).

The site is located within a Bat Alert Layer. The application is supported by an Ecology Exemption Statement dated 15 June 2026, which includes a Bat Survey Exemption Statement.

The statement sets out the following: “The proposed development includes the demolition of an existing building. Whilst demolition proposals would ordinarily trigger a requirement for an updated bat survey, it is important to note that the building already benefits from planning permission for demolition under application reference 2023/91887, with pre commencement conditions dealt with.

The applicant therefore has a realistic and implementable fallback position whereby the building could be demolished independently of the current proposal. As such, the principle of demolition has already been accepted, and the current application does not materially increase or alter any potential impacts upon bat roosting opportunities beyond those previously considered.

Furthermore, although the building has remained vacant and is currently in an unsafe condition, it has not materially deteriorated or changed since the bat survey undertaken in support of the earlier approved application. There is therefore no evidence to suggest that the conclusions of the previous survey would no longer be valid.”

The Council’s Ecologist has requested that a further bat assessment be undertaken prior to determination, to ensure that any appropriate mitigation and biodiversity enhancement measures can be secured as part of the development.

However, significant weight should be afforded to the fallback position, given that planning permission has previously been granted under application reference 2023/91887 for the demolition of the existing building and erection of two dwellings, with the pre-commencement conditions having been dealt with. This establishes that the demolition of the existing building could lawfully proceed independently of the current proposal. The current proposal would therefore not materially alter the position in respect of the demolition of the building or introduce a materially greater risk to potential bat roosting

opportunities than that which could arise from implementation of the extant permission.

In these circumstances, and having regard to the realistic and implementable fallback position, it is considered that requiring a further bat survey prior to determination would be disproportionate to the proposal. The potential impacts associated with demolition have already been considered through the previous planning permission, and there is no evidence to demonstrate that the circumstances have materially changed. An informative has been provided however, 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.

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 'Di-Minimus' exemption category within the application forms. Therefore, in light of the submitted detail it is considered the application is exempt from a BNG uplift.

Contaminated land:

The site is adjacent to an area of potentially contaminated land (a substation) but is not itself believed to be contaminated. The standard condition on reporting of unexpected contamination will be added as a precaution in accordance with the aims of LP53.

Drainage:

Policy LP28 and Chapter 5 of the NPPF promote the use of sustainable methods of drainage (i.e. methods other than direct mains disposal) in the interests of minimising the contribution that new developments make to flood risk. The site itself does not sit within land known to be at risk from flooding. The application form – "Assessment of Flood Risk" – proposes that surface water will be disposed of either by means of a soakaway. The installation of a soakaway would require consent under the Building Regulations so as to ensure that it will not give rise to flooding elsewhere. It is considered that it would not be appropriate to seek to replicate these controls here. In the event of a soakaway being found to be unviable, it is considered that mains drainage would be an acceptable alternative, in view of the small scale and

number of units, and since it would in part be replacing an existing building. Foul sewage would drain to the mains.

It is recommended it be conditioned that parking spaces either be formed in permeable materials or drain to a soakaway. In line with the approach that has been taken on other minor housing applications in similar circumstances in recent years, no further conditions on the drainage of the site will be imposed.

Withdrawal of permitted development rights:

Approval should be conditional on permitted development rights being withdrawn for extensions (including roof extensions) and outbuildings, as, on account of the very limited curtilage space, these could lead to the appearance of overdevelopment, give rise to an overbearing impact on established dwellings, and possibly harm the setting of the Grade II Listed Buildings referred to earlier, contrary to the aims of LP24 and 35.

6 – Representations: No representations have been made.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2026/91664

Officer Recommendation: APPROVE

Conditions and reasons

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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 21, 22, 24, 28, 30, and 35 of the Kirklees Local Plan, Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide SPD and the aims of Chapter 5, 6, 12, 14, 15 19 and 20 of the National Planning Policy Framework.

3. Prior to any works being undertaken to the superstructure of the building, a scheme which details the facing and roofing materials of construction shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until it has been completed in accordance with the scheme approved by this condition which shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide SPD and Chapters 14 & 20 of the National Planning Policy Framework.

4. Gutters shall be supported by corbels and shall not be fixed to a fascia board.

Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders' Design Guide SPD and Chapters 14 & 20 of the National Planning Policy Framework.

5. Gable ends shall be terminated with a mortar joint and without bargeboards.

Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders' Design Guide SPD and Chapters 14 & 20 of the National Planning Policy Framework.

6. 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. The areas used for the parking and turning of vehicles shall thereafter be retained and kept free of all obstructions to their use for the parking and turning of vehicles.

Reason: To achieve a satisfactory layout in the interests of highway safety, to minimise the contribution to flood risk arising from increased water run-off, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

7. The areas indicated to be used on the proposed site plan for the storage and collection of wastes shall be laid out with a hard surface and made available for use before the dwelling to which they relate is first occupied, and shall thereafter be retained as such, free from obstructions to the storage and collection of wastes.

Reason: To ensure that satisfactory facilities are provided and retained within the site for the separation, storage and disposal of wastes in a way that does not compromise highway safety and efficiency or visual amenity, in accordance with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide SPD.

8. A minimum of one house sparrow nesting feature (Schwegler 1SP sparrow terrace, or similar) shall be installed on the rear elevation of the new development at eaves level, and not directly above a door or window, before any part of the new development is first brought into use. The feature shall be retained thereafter.

Reason: To ensure that biodiversity net gain is delivered in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders' Design Guide SPD, and Chapter 19 of the National Planning Policy Framework.

9. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification, no development falling within Classes A, B or E of Part 1, Schedule 2 of the General Permitted Development Order shall be undertaken within the land edged in red on the approved location plan without full

planning permission having been first obtained from the Local Planning Authority.

Reason: So as to retain adequate planning control over the site in the interests of preventing inappropriate extensions or outbuildings leading to a loss of visual or residential amenity arising from overdevelopment or overbearing impact, or negative impact upon the setting of the Listed Buildings, 1-3 Fernside Avenue, and to accord with the aims of Policies LP24 and 35 of the Kirklees Local Plan and Chapter 20 of the National Planning Policy Framework.

10. 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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works on site 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. No part of the site shall be brought into use until such time as the whole 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: To ensure that the development does not lead to pollution of the environment or harm to human health, and to accord with the aims of Policy LP53 of the Local Plan and Chapter 19 of the National Planning Policy Framework.

11. Notwithstanding the submitted details, the solar panels hereby approved to the front / south east facing elevation shall be all black, with no silver linings and shall have a non-reflective coating. The panels shall retained as such thereafter.

Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 14 & 20 of the National Planning Policy Framework.

NOTE: As a precautionary measure, it is recommended that the removal of roof tiles be undertaken by hand before the existing building is demolished, so as to eliminate the risk of bats being accidentally harmed during the demolition process.

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2026 130-2 LOC	P0	22/06/2026
Existing Plans, Site Sections & Elevations	2026-130-2/101	P1	22/06/2026
Proposed Site Plan & Section	2026130-2-102	P3	03/07/2026
Proposed Plans and Elevations	2026130-2-103	P2	22/06/2026
Biodiversity Net Gain Exemption Statement dated 15 June 2026	-	-	22/06/2026
Heritage Impact Assessment dated 17 June 2026	-	-	22/06/2026
Planning Cover Letter dated 15 June 2026	-	-	22/06/2026
Climate Change Statement	-	-	22/06/2026
Application Form	-	-	22/06/2026

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. The case officer requested the use of natural stone slate following discussions with KC Conservation and Design.

LOW COAL