
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 23-Jun-2022

Subject: Planning Application 2021/90731 Erection of detached dwelling with parking and associated works adj, 7, Valley Road, Millbridge, Liversedge, WF15 6JY

APPLICANT

G Marshall

DATE VALID

05-Mar-2021

TARGET DATE

30-Apr-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Liversedge and Gomersal Ward

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 The application has been referred to the Heavy Woollen Sub-Committee due to the number of representations received. 20 representations have been received overall. Whilst only one representation was received as a result of the final round of publicity, the substantive comments contained within the original publicity are considered to be relevant to the amended scheme. This is in accordance with the Delegation Agreement set in the Constitution.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to an area of undeveloped land which is located immediately adjacent to pair of back-to-back properties, 5 and 7 Valley Road. The site is located on the corner of Valley Road and Thomas Street. The land is currently overgrown and whilst it previously hosted a single-storey brick building, this had been demolished at the time of site visit and some clearance of the land undertaken. Land levels rise towards the rear of the site.

2.2 The surrounding area is predominantly residential in nature, however there are some commercial uses within the vicinity of the site. The surrounding properties are of a traditional appearance and whilst there is some variation in terms of their design, they are of a similar character and style. The predominant material of construction within the street scene is natural stone.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of a detached dwelling with parking and associated works. Amendments have been made to the scheme which is being assessed as follows:

- 3.2 The dwelling would be located immediately adjacent to 5 and 7 Valley Road. It would measure 6.4m in width by 10.5m in depth. The dwelling would be two-stories in height, designed with a gable roof form that would have an eaves and ridge height to match that of the adjacent dwellings. A driveway would be located to the side of the dwelling, with vehicular access taken off Valley Road, and garden areas to the rear. A bin store is proposed to the front of the dwelling.
- 3.3 The dwelling would be constructed from natural stone for the external walls to the front and rear elevations and render to the sides. The application form states that the roof would be finished in concrete roof tiles.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 No relevant planning history at the site or immediate surrounding properties.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 During the course of the application, amended plans were submitted in response to comments received from the Council's Highways Development Management officer, relocating the proposed parking to the front of the dwellings, accessed via Valley Road. The amended parking arrangements were reviewed by the Highways DM officer and were considered to be acceptable, subject to the size of the parking spaces being amended to meet recommended standards for off-street parking spaces.
- 5.2 Following consideration of the proposal, and in response to concerns raised within neighbour representations, amendments were requested to reduce the scheme to a single dwelling. This was to prevent an overdevelopment of the site, to prevent harmful overbearing and overshadowing to the neighbouring properties due to the close relationship and to ensure a high standard of amenity for future occupiers by providing a sufficient area of outdoor amenity space. Revisions were also requested to the design and materials of the dwelling to reflect the scale, form and materials of the existing dwellings along Valley Road and Thomas Street.
- 5.3 A number of amended plans have been submitted, altering the design of the originally proposed two semi-detached properties before reducing the scale of the development to one detached dwelling. These revisions were however not considered sufficient to address the concerns raised regarding a pair of semi-detached dwellings, particularly in relation to design. The final set of amended plans, as set out above, propose one detached dwelling of a modified design.
- 5.4 Due to the number of revisions made, including the introduction of openings to the side elevation, the amended plans were advertised. The extended publicity period ended on 4th April 2022.

6.0 PLANNING POLICY:

- 6.1 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).
- 6.2 The site is unallocated on the Kirklees Local Plan. It is however located within the Strategic Green Infrastructure Network.

Kirklees Local Plan (2019):

- 6.3
- LP 1** – Achieving sustainable development
 - LP 2** – Place shaping
 - LP 3** – Location of new development
 - LP 21** – Highway safety and access
 - LP 22** – Parking
 - LP 24** – Design
 - LP 30** – Biodiversity and geodiversity
 - LP 31** – Strategic Green Infrastructure Network
 - LP33** - Trees
 - LP 35** – Historic Environment
 - LP 51** – Protection and improvement of local air quality
 - LP 52** – Protection and improvement of environmental quality
 - LP 53** – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 6.4 On the 29th of June 2021, Kirklees Council adopted its supplementary planning document for guidance on house building and open space, to be used against existing supplementary planning documents (SPDs) which have previously been adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the street scene and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.
- 6.5 In this case the following SPDs are applicable:
- Biodiversity Net Gain Technical Guidance Note
 - Highways Design Guide
 - Housebuilders Design Guide

National Planning Guidance:

- 6.6 **Chapter 2** – Achieving sustainable development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Preserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by neighbour letters. Final publicity expired on 4th April 2022. As a result of the publicity period, 20 representations have been received overall. Whilst only one representation was received as a result of the final round of publicity, the substantive comments contained within the original round are considered to be relevant to the amended scheme. The representations have been summarised as follows:

7.2 Visual Amenity and Heritage

- Loss of green space which is used and maintained by residents
- Loss of tree and air raid shelter
- Two houses would be an overdevelopment of the site
- New builds would not be in keeping with the existing properties
- Development would be an improvement of the land

7.3 Residential Amenity

- Concern regarding noise disturbance (from use and during construction)
- Privacy concerns for neighbouring residents
- Loss of natural light
- Disruption during construction

7.4 Highways Safety

- Will add to existing congestion in the area
- Loss of on-street parking for existing residents
- Danger to pedestrians and pets
- Disruption during construction (parking of work vans)
- Impact on bin collections due to access
- Visibility when existing Thomas Street
- Concern regarding access for emergency vehicles/deliveries

7.5 Other Matters

- Concern regarding rats
- Fly tipping and rubbish being left at the site
- Loss of birds
- Drainage issues as a result of additional properties
- Electric charging points will be required and will be used by anyone that has an electric car
- Loss of land which helps with flooding from the beck
- Claims that the land has been maintained as green space is incorrect

7.6 Non-material Considerations

- Gardens and land being used by workmen during construction

7.7 Officer comments in response to the comments received will be made in section 10 of this report.

8.0 **CONSULTATION RESPONSES:**

Statutory

8.1 KC Highways Development Management – Following amendments to the scheme, no objections have been raised subject to the inclusion of conditions.

Non-statutory

8.2 KC Environmental Health – No objections subject to the inclusion of conditions.

8.3 KC Conservation and Design – No objections to the proposal.

8.4 KC Trees – No objections to the proposal.

9.0 **MAIN ISSUES**

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Planning permission is sought for the erection of detached dwelling with parking and associated works.
- 10.2 When considering development proposals, there is a presumption in favour of sustainable development contained in the NPPF. Policy LP1 of the Kirklees Local Plan (KLP) is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be supported subject to other material considerations.
- 10.3 Policy LP24 of the KLP suggests that proposal should promote good design by ensuring (amongst other considerations) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Chapter 12 of the NPPF reiterates that local planning authorities should ensure the issue of 'design' and the way a development will function are fully considered during the assessment of the application.
- 10.4 The proposal is required to accord with policy LP3 of the KLP that requires new development to be situated in a sustainable location that provides access to arrange of transport choices and access to local services.
- 10.5 The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.
- 10.6 The site is unallocated on the KLP and is located within an existing residential area, with good public transport provision and close to local amenities. As such, the site is considered suitable for the proposed residential development, providing there are no undue detrimental impacts on visual and residential amenity and highway safety.

Visual Amenity

- 10.7 The proposal is for the erection of detached dwelling with parking and associated works.
- 10.8 Principle 5 of the Housebuilders Design Guide SPD states that buildings should be aligned to form a coherent building line. The proposed dwelling would be positioned so that its front elevation would be in line with the front of the adjacent properties. The dwelling would be located approximately 1.5m from

the adjacent properties. Principle 6 sets out how new dwellings located in a regular street pattern that is two-stories or above, should normally have a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary. In this case, the properties to the west of Valley Road are considered not to follow a regular street pattern. Beyond the existing attached properties, 3-7 Valley Road, is a warehouse which is set back from the access road. To the end of Valley Road is 60 Halifax Road, which fronts onto the main road. When taking this into consideration, along with the terrace nature of the properties within the surrounding area, the proposed separation distance is considered acceptable in this instance.

- 10.9 The dwelling would be positioned towards the south west of the site, maintaining some separation between the properties on Valley Road and Thomas Street. The dwelling would benefit from amenity space to the rear which is consistent with the layout of the properties within the street scene.
- 10.10 Principles 13, 14 and 15 of the Housebuilders Design Guide SPD relate to materials, fenestration and ridge line respectively. The dwelling, as amended, would be of a traditional appearance and is considered to be in keeping with the character of the surrounding area in terms of its scale, design, roof line and fenestration. In terms of the materials, the dwelling would be constructed from natural stone to the front and rear with render to the side elevations. It is noted that the side 5 and 7 Valley Road is finished in render as existing. Subject to a condition requiring the render to be of a stone colour, the use of this material is considered acceptable. Whilst the application forms states that the roofing material would be concrete tiles, it is noted that the surrounding properties are finished in slate. As such, it is considered appropriate to condition that the dwelling shall be finished in artificial slate. Samples of all external materials will be secured by condition to ensure the dwelling reflects the character of the area.
- 10.11 The scale of the dwelling is considered acceptable for one detached dwelling with the provision of adequate amenity space and off-street parking. As such, it is considered that the proposal would not amount to an overdevelopment of the site in this instance. However, to prevent future additions to the property from amounting to an overdevelopment of the site, and to ensure that an adequate area of outdoor amenity space is maintained for the future occupants, a condition is recommended to be attached removing Permitted Development Rights for the erection of extensions and outbuildings within the submitted redline boundary.
- 10.12 Principle 12 of the Housebuilders SPD, whilst relating to parking, is relevant in terms of design. It sets out how parking should not dominate street frontages through parking provided to the front of all properties. Whilst parking was originally proposed to the rear of the dwelling, this would still be prominent within the street scene given the corner location of the site. Parking in this location was considered unacceptable from a highway safety perspective too. The proposed parking would be provided in tandem which is considered to prevent it from dominating the front of the site in this particular case.

- 10.13 With the inclusion of appropriate conditions, the proposal is considered acceptable from a visual amenity perspective and would accord with the aims of Policy LP24 of the KLP (a), Principles 2, 5, 12, 13, 14, 15, 16 and 17 of the Housebuilders Design Guide SPD as well as the aims of the NPPF.

Residential Amenity

- 10.14 The site is located within a residential area. This section will assess the relationship between the proposed development with the neighbouring properties.

Impact on 5 and 7 Valley Road

- 10.15 The proposed dwelling would be located immediately to the side of the existing dwellings and would not project beyond either of their principal elevations. It is noted that neither of the properties benefit from openings to the side elevation. As such, the impact on the properties by way of overbearing and overshadowing is considered acceptable. Whilst two openings are shown to the side of the dwelling at first floor level, these would serve a bathroom and ensuite and are shown on the submitted plans to be obscure glazed. As these openings, and any additional openings that may be introduced to the side of the dwelling would face onto the blank gable wall of the adjacent properties, it is considered that there would be no potential for harmful overlooking. No details have been provided regarding the boundary treatment between the properties. To prevent overlooking between the amenity space of the new and existing dwellings, full details of boundary treatment are recommended to be secured by condition.

Impact on 12-16 Valley Road

- 10.16 The dwelling would be located opposite 12-16 Valley Road which form part of a row of terrace properties. 16m would be retained between the front elevation of the new dwelling and that of the adjacent properties. This distance is considered acceptable to prevent harmful overlooking from habitable room openings and is consistent with the relationship that is established already between these properties and 5 Valley Road. The dwelling would be located to the north west of the properties. Whilst there would be some overshadowing impact, this would be limited to the late afternoon. The distance retained is considered to reduce any loss of light and overbearing to an acceptable level.

Impact on 11 Valley Road

- 10.17 11 Valley Road, whilst appearing to historically front onto Valley Road, is accessed from Thomas Street. The ground floor opening to Thomas Street is thought to serve a kitchen whilst a bedroom is located at first floor level. It is noted that this bedroom also has an opening onto Valley Road. It is noted that

13.5m would be retained between the side of the new dwelling and this property. The dwelling would be set back within the site and as such, the impact on these openings by way of overbearing and overshadowing is considered to be acceptable. Whist openings are proposed to the side elevation, these would serve a WC and entrance and as such, are considered not to allow for harmful overlooking towards the property.

Impact on 2-6 Thomas Street

10.18 The side of the proposed dwelling would face onto the principal elevation of the properties which are located on Thomas Street and benefit from habitable openings to their front elevation. The dwelling would be located to the south and would therefore have some impact in terms of overshadowing. It is noted that approximately 13.5m would be retained. When considering the height of the dwelling in relation to the neighbouring properties, as demonstrated on the submitted plans, the impact on the properties is considered to be, on balance, acceptable. It is considered that the distance retained would be sufficient to prevent overbearing to a level that would be harmful to the amenity of the occupiers of the properties.

10.19 Whist openings are proposed to the side elevation, these would serve a WC and entrance and as such, are considered not to allow for harmful overlooking towards the property. In the interest of residential amenity to prevent overlooking from future openings toward the properties, it is considered appropriate to remove permitted development rights for the installation of new openings to the side of the dwelling at ground floor level. Future first floor level openings would be restricted by the limitations of General Permitted Development Order (as amended). Whilst the submitted plans show the location of a 1m fence to the northern boundary, further details are recommended to be secured by condition in the interest of residential amenity.

Impact on 8-12 Thomas Street

10.20 It is considered that sufficient distance would be retained between the proposed dwelling and the existing properties to the rear of the site to prevent there from being a detrimental impact by way of overbearing, overshadowing or loss of privacy. The impact is further reduced by the angled nature of the properties in relation to the proposed dwelling.

Impact on Future Occupiers of the Dwelling

10.21 The application has been considered against the Government's Technical Guidance for space standards within a dwelling and it is considered that the dwelling would benefit from a sufficient level of indoor amenity space. The amount of natural light that would be received by each of the habitable openings has been considered and is deemed to be acceptable.

- 10.22 Principle 17 of the Housebuilders Design Guide SPD sets out how all new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. It is considered that the dwelling would benefit from a sufficient area of outdoor amenity space to ensure a high standard of amenity for future occupiers.
- 10.23 Having considered the above factors, with the inclusion of the mentioned conditions, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants or the future occupiers of the dwelling. The proposal therefore complies with Policy LP24 of the KLP (b), Key Design Principles of the House Extensions and Alterations SPD as well as Paragraph 130 (f) of the NPPF.

Highway issues

- 10.24 The proposal has been reviewed by the Council's Highways DM officer. Initially, the scheme proposed parking to be accessed from Thomas Street, however concern was raised to the level of parking provided for the originally proposed two dwellings and how the spaces would be accessed without affecting the existing on-street parking on Thomas Street which serves the neighbouring dwellings.
- 10.25 The scheme has subsequent been reduced to a single dwelling with two off-street parking spaces provided in tandem on a driveway to the side of the dwelling. The parking arrangements have been reviewed by the Highways DM officer and are considered acceptable, as well as providing sufficient off-street parking provision for the scale of the dwelling proposed. Bin storage is indicated on the submitted plans to the front of the site and is considered acceptable in this location. The formation of a new footpath to the side of the dwelling is shown on the submitted site plan. No objection to this has been raised by the Highways DM officer however it has been advised that this will need to be delivered through a S278 agreement. A condition is recommended to be attached to the decision notice in this affect. Further to this, it is recommended that conditions are imposed regarding the surfacing of the proposed parking spaces.
- 10.26 Subject to the inclusion of the above conditions, the proposed development is considered acceptable from a highway safety perspective, complying with Policies LP21 and LP22 of the KLP as well as Principles 12 and 19 of the Housebuilders Design Guide.

Other Matters

Ecology

- 10.27 The proposal is for the erection of a detached dwelling with parking and associated works. The application site is located within the Bat Alert Layer and as such, consideration has to be given to the impact on bats and bat roosts. Whilst the site has previously comprised a detached building on the site, this had been demolished at the time of site visit. As such, it is considered that the proposal, for the erection of a detached dwelling, would be unlikely to result in harm to bats and bat roosts. However, as a precautionary measure, a footnote is recommended advising the applicant should bats be discovered.
- 10.28 LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and the Biodiversity Guidance note states that biodiversity net gain is required for all development. To create this net gain, conditions to secure a bird box and bat roosting feature into the external walls of the new dwelling shall be added to the decision notice. This mitigation will ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements. A condition is recommended to be imposed regarding clearance of the site too.

Contaminated Land

- 10.29 The application has been reviewed by the Council's Environmental Health officer and there are not considered to be any significant environmental health impacts as a result of the development. As groundworks are proposed, it is recommended to impose a condition regarding the reporting of any unexpected land contamination in accordance with Policy LP53 of the KLP and Chapter 15 of the NPPF.

Carbon Budget

- 10.30 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.

- 10.31 The proposal comprises minor development which involves the erection of a single dwelling. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of an electric car charging point is recommended. This is in accordance with Policies LP24 and LP51 of the KLP and Chapter 9 of the NPPF.

Drainage

- 10.32 Policy LP28 of the KLP establishes a hierarchy of drainage solutions with Sustainable Urban Drainage Systems being the most preferable solution and Main Sewer the least preferable option. The applicant states in the application form that the surface water is to be discharged to main sewer however no supporting justification has been provided. In any case, the applicant would require the consent of Yorkshire Water to undertake this and as such this would be addressed under a separate remit.

Trees

- 10.33 The site has hosted a number of trees, one of which has been removed as part of the clearance of the site. It is noted that the trees are not protected by a Tree Preservation Order and as such, permission would not be required for their removal. Policy LP33 of the KLP, together with the Housebuilders Design Guide promotes the retention of valuable and important trees. Due to the nature of the plot, and the requirement for vehicular access to be taken from Valley Road, the two trees to the front of the site would need to be removed. The Council's Trees officer has been consulted and considers the trees not to be worthy of protection due to their species, location and growth habits. As such, the proposed loss of the trees is acceptable in accordance with Policy LP33 of the KLP.

Heritage

- 10.34 The site has previously hosted a detached, single storey brick built air raid shelter. It is noted that the demolition of the building had commenced at the time of the officer site visit. Representations received during the processing of the application consider that the air raid shelter is listed. The Council's Conservation and Design officer has been consulted during the course of the application and has confirmed that the building is not listed. Part 2 of Policy LP35 of the KLP notes that proposal which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In this case, there is no evidence to suggest that the shelter contributes significantly to the character of the area and as such, no objection has been raised to its demolition – it is not considered to constitute an undesignated heritage asset. The proposal is therefore considered to comply with Policy LP35 as well as Chapter 16 of the NPPF.

Representations

10.35 The representations have been summarised as follows:

Visual Amenity

- Loss of green space which is used and maintained by residents
- Two houses would be an overdevelopment of the site
- New builds would not be in keeping with the existing properties
- Development would be an improvement of the land

Officer Response: The comments regarding visual amenity have been addressed within the 'Visual Amenity' section of this report.

Ecology and Heritage

- Loss of tree and air raid shelter
- Loss of birds

Officer Response: The loss of the trees and birds within the site as well as the air raid shelter has been addressed within the 'Other Matters' section of this report.

Residential Amenity

- Concern regarding noise disturbance (from use and during construction)
- Privacy concerns for neighbouring residents
- Loss of natural light
- Disruption during construction

Officer Response: The comments regarding the impact on residential amenity have been addressed within the 'Residential Amenity' section of this report. With regards to noise, the application is for the erection of a single dwelling within a predominantly residential area and the additional noise produced by its use is considered not to be out of keeping with the character of the area. Whilst concerns relating to disruption as a result of the building of the dwelling is a material consideration relating to residential amenity, there is an expectation that there will be such effect as part of the activities associated with construction and such effects would be transient. It is, therefore, considered that this would not be a sufficient reason to warrant refusal of the application. Notwithstanding this, it is recommended that a note be added to the decision notice informing the applicant of the appropriate hours of work in line with Environmental Legislation.

Highways Safety

- Will add to existing congestion in the area
- Loss of on-street parking for existing residents
- Danger to pedestrians and pets
- Disruption during construction (parking of work vans)
- Impact on bin collections due to access
- Visibility when existing Thomas Street
- Concern regarding access for emergency vehicles/deliveries

Officer Response: The comments regarding the impact on highway safety have been addressed within the 'Highway Safety' section of this report. It is noted that the scheme has been amended during the course of the application and revisions made to the parking arrangements. A sufficient level of off-street parking would be provided and the proposal is therefore considered not to have a detrimental impact on the safe and efficient use of the highway network.

Other Matters

- Concern regarding rats
- Fly tipping and rubbish being left at the site

Officer Response: Fly tipping on the application site has been noted within neighbour representations. It is considered that the redevelopment of the land would prevent fly tipping and rubbish at the site and would also reduce the potential for rats.

- Drainage issues as a result of additional properties

Officer Response: The application form states that foul and surface water would be disposed of through the main sewer. The impact of one additional dwelling is considered to be acceptable. Matters involving drainage have been addressed within the 'Other Matters' section of this report.

- Electric charging points will be required and will be used by anyone that has an electric car

Officer Response: A condition is recommended to be imposed requiring an electric vehicle charging point to be provided. This will however be provided within the curtilage of the dwelling for private use by the occupants and would not be available for use by the public.

- Loss of land which helps with flooding from the beck

Officer Response: The application site is located within Flood Zone 1 and as such the redevelopment of the land is considered acceptable.

- Claims that the land has been maintained as green space is incorrect

Officer Response: These comments are noted.

Non-material Considerations

- Gardens and land being used by workmen during construction

Officer Response: Whilst this is not a material planning consideration that can be taken into consideration, it is recommended that an advisory be attached to the decision notice advising that planning permission does not override private legal rights.

11.0 CONCLUSION

11.1 To conclude, it is considered, on balance, that the proposal would have an acceptable impact with regards to visual amenity, residential amenity and highway safety as well as other relevant matters as discussed.

11.2 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.

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

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

The conditions are being finalised and agreed with the applicant's agent.

Background Papers:

Application weblink:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90731>

Certificate of Ownership – Certificate A signed.