

**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:	2023/62/91260/E
Site Address:	444A, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3EP
Description:	Erection of two storey rear extension to existing commercial premises, raising of roof height and erection of front and rear dormers and alterations to form 8 unit HMO
Recommending Officer:	Nina Sayers

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 04 July 2025

Officer Report

Site Description

444a Huddersfield Road is a detached, two-storey building with car parking to the rear in Ravensthorpe. The property fronts Huddersfield Road and has a shallow hipped roof. The ground floor serves a take-away and retail unit and the first floor serves a retail unit and one bedroom dwelling. The building is finished in stone.

The site is unallocated within the Kirklees Local Plan, although parts of the site are within Flood Zones 2 and 3 as identified by the Environment Agency.

Description of Proposal

The applicant is seeking permission for the erection of two storey rear extension, raising of roof height and erection of rear dormers and alterations to form 8-unit House of Multiple Occupancy (HMO).

The proposal would raise the roof height of the existing building by 2.7m and the eaves height by 1.2m. The proposed roof would be a pitch roof design with dormer windows in the rear elevation. The openings in the front elevation would be unaltered with the addition of roof lights. The rear elevation proposes 2 doorways, 3 first floor windows and 2 dormers each with 2 windows.

The existing commercial units on the ground and first floor would remain. The first-floor dwelling would be converted into two single bed units and a shared communal kitchen area. The second floor proposes 5 single bed units and one double bedroom and a communal landing.

History of negotiations

Officers had concerns regarding the design of the roof. It was requested that this was set down to be more in keeping with the existing buildings and a street scene provided to show the relationship with the adjacent building. Officer also asked that openings were put into the communal kitchen space. Amended plans were sought and received.

Relevant Planning History

2007/92407 Change of use and extension to convert existing public house to supermarket, take away and first floor living accommodation. Conditional full permission.

2010/92150 Installation of new shop fronts and security shutters. Granted

2010/92149 Erection of externally illuminated fascia signs. Granted

Representations

The site was advertised via neighbour notification letter and on the website. Publicity expired on 22nd June 2023. No representation was received.

Consultation Responses

KC Highways Development Management – additional information requested

KC Environmental Health – no objections subject to conditions

Designing Out Crime Officer – Recommendations to the applicant

Lead Local Flood Authority – no objections

KC Strategic Housing – no comment

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located unallocated within the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 21** – Highway Safety
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously 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 host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, 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 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations

1. Principle of Development

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

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

This application is for the conversion of an existing mixed use commercial and residential building. The commercial units would be retained as part of the proposal. The scheme proposes to extend and convert part of the existing building to create a House of Multiple Occupancy (HMO).

In this instance, LP11 of the Kirklees Local Plan is also relevant, as the scheme aims to convert existing dwelling into House of Multiple Occupation. The policy states 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 in line with the latest evidence of housing need.”

Chapter 11 of the NPPF states that planning decisions should promote the development of under-utilised land and buildings, but this must not be at the

expense of creating developments that function well and add to the quality of the area as set out in Chapter 12.

In this instance, the proposal seeks to utilise an existing residential and commercial building to form an 8-bedroom HMO. In terms of housing delivery/density, it is considered that the proposal would contribute to the varied housing stock of the district and is considered to be in a sustainable location, which is located within residential area with public transport links established.

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

2. Impact on Visual Amenity

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

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

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The proposed development would increase the height of the building and change the roof type from hipped to pitched. It is noted that within the street scene, the properties vary in terms of design and roof height. The proposed development would be similar in character to, and would not protrude above the roof ridgeline of, the existing, adjacent building. Therefore, the proposed building is considered to not cause any harm to visual amenity of the wider street scene, over and above the existing arrangements on site. It is noted that the dormers have been removed from the front elevation of the proposal, although this was not requested by officers.

From the rear, the property is visible from Albion Street and the adjacent properties. The proposal would be in keeping with the general character of the

area in terms of design. The rear elevation would be finished in sandstone render which is considered to be in keeping with surrounding built development. Other properties in the immediate vicinity also have rear dormers of a similar scale and design and the proposed dormers would be set within the roof face. Therefore, no significant harm is considered to be caused to visual amenity.

Whilst the proposal would result in the proportions of the front elevation being altered with respect to the distance between the window openings and eaves, as noted above, there is no distinct character within the street scene and as such, this arrangement would not significantly detract from visual amenity.

It is therefore considered that the proposal would not cause significant harm to the visual amenity of the surrounding area and would be in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Impact on residential amenity

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

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

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

The nearest residential property is 5 Commercial Street, which has a rear elevation which faces the application site. It is noted that the proposed extension would not protrude past no.5 and therefore would not cause any significant overbearing or overshadowing harm over and above the existing arrangements on site.

It is noted that the proposed extension would cause some overshadowing harm to the adjacent property (440 and 442 Huddersfield Road), particularly given the relationship with no.5 however, 440 and 442 Huddersfield Road is not a residential property and therefore there no harm would be caused to the amenity of any occupiers.

There would remain ~28m between the proposed openings in the rear elevation and the rear of 20-24 Ravens Street which is considered a sufficient distance to prevent any significant harm to the occupiers of either property.

Amenity of the Future Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards,*

these are not currently adopted in the Kirklees Local Plan.” Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: “All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling. Whilst no amenity space is proposed, the application site is near to a playing field and allocated Urban Green Space (UG224 – Land adjacent Lower Spen LNR, Huddersfield Road, Ravensthorpe) and therefore, given this application is for a HMO, this is considered acceptable on balance. It is considered the proposed windows would have sufficient outlook and natural light for the amenity of future occupants.

The proposed development introduces sensitive receptors into an area of high traffic volumes with many commercial premises close by, including the commercial properties that form part of the proposal, sharing party structures. Officers have concerned that noise from these sources could be detrimental to future residential occupants. Similarly, the proposed development introduces sensitive receptors into an area that appears to have three existing commercial odour extraction systems. Officers have concerns that future occupants may suffer loss of amenity from cooking odours and noise associated from these extraction units.

Therefore, it is necessary to condition that a noise report and odour assessment are submitted to, and approved by the Local Planning Authority before the development commences. It is necessary that these conditions are pre-commencement as it may affect the development methods/process. It is noted that KC Environmental Health (EH) requested this application prior to determination however, the applicant did not provide this information, and officers are satisfied that it can be dealt with via pre-commencement conditions.

The application includes a proposal for extended hours of use from 08:00 – 23:00 seven days a week for the commercial operations, the noise report must offer commentary to justify the hours and specify attenuation or control measures to mitigate the noise to an acceptable level in order to protect residential amenity.

Subject to conditions, the proposed development is considered to not have an adverse impact on the amenity of nearby or future occupiers as a result of the proposal. The scheme therefore complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework

4. Impact on Highway Safety

Paragraph 116 of the NPPF states that: “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The Highways Design Guide SPD is also relevant.

KC Highways Development Management (HDM) were consulted on the proposal and raised some concerns regarding the lack of details for storage and collection of waste. It would be recommended that a condition is added to any positive decision notice requiring this information to be submitted prior to the development being brought into use.

The parking area to the rear of the site would be retained and offers off-street parking provision although it is not clear how many parking spaces would be provided. Notwithstanding this, there is a bus stop in front of the application site with transport links to Ravensthorpe District Centre, Dewsbury, Huddersfield, Leeds and Pudsey. Given the proximity to public transport links and the sustainable location of the property, the parking provision is considered acceptable in this instance.

It is therefore considered that, subject to conditions, the development would not result in significant harm to highway safety, thus complying with LP21 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5. Other Matters

Ecology

Flood Risk

The site is located within Flood Zone 2 and 3 and therefore there is a risk of flooding. The ground floor uses would not change as a result of the proposal and the extension would be on existing hardstanding. The LLFA (Lead Local Flood Authority) were consulted and raised no objections to the scheme. Officers therefore have no concerns regarding flood risk.

Land Contamination

The site is not on land identified as potentially contaminated. The proposed development may involve some ground works therefore officers recommend a condition relating to unexpected ground contamination. The scheme therefore complies with paragraphs 196 and 197 of the NPPF and policy LP53 of the Kirklees Local Plan.

6. Representations

No representation was received.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Decision Authorisation - Delegated Powers

Application Number: 2023/91260

Officer Recommendation: Approve

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.

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, LP2, LP3, LP21, LP24, LP30, LP31, LP33, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 9, 12, 13, 15 and 16 of the National Planning Policy Framework.

3. Before the development is brought into use, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interest of highway safety and waste management and to accord with LP24 of the Kirklees Local Plan.

4. Before development commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic/commercial/licensed premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate

- a) Predict the noise climate in the living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development
- b) Detail the proposed attenuation/design/insulation necessary to protect the amenity of the occupants of the new residences from all the predicted noise sources.
- c) If the noise attenuation measures include windows being kept closed, then details of alternative ventilation over background ventilation will be required.
- d) Details of, and justification for, the proposed opening hours

Reason: This is a pre-commencement condition to enable adequate measures to be incorporated into the development at an appropriate time, to ensure that the proposed use does not give rise to the loss of amenity to future occupiers, by reason of noise or disturbance and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. Before development commences, details of an odour assessment, by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.
- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated within the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Reason: This is a pre-commencement condition to enable adequate measures to be incorporated into the development at an appropriate time to ensure that the proposed use does not give rise to the loss of amenity to future occupiers, by reason of odour and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person 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 Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

Land Contamination Risk Management (LCRM)

- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The condition relates to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

NOTE: All workplaces where staff are employed need sanitary accommodation and all premises which are open to the public for entertainment and consumption of food and drink require toilets that are accessible to the public. If applicants need further advice on number and

facilities, then please contact the Health and Safety team on 01484 221000 (ask for health and safety) or by email at healthandsafety@kirklees.gov.uk

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location and Block Plan	001		10/05/2023
Existing Elevations	003		10/05/2023
Existing GA Plans	002		10/05/2023
Proposed GA Plans	004		29/05/2024
Proposed GA Plans	005	As revised	13/02/2025
Proposed Elevations	006	As revised	13/02/2025
Proposed Section A	007		29/05/2024
Existing/Proposed Street Scene	008		30/10/2024
Flood Risk Assessment			10/05/2023

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 Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers had concerns regarding the design of the roof. It was requested that this was set down to be more in keeping with the existing buildings and a street scene provided to show the relationship with the adjacent building. Officer also asked that openings were put into the communal kitchen space. Amended plans were sought and received.

Report Dated: 30/06/2025

