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:	**2023/62/91576/E**
Site Address:	65, Groves Hall Road, Dewsbury Moor, Dewsbury, WF13 3SW
Description:	Erection of extension and alterations to existing garage create dwelling forming annex accommodation associated with 65, Groves Hall Road, Dewsbury Moor, Dewsbury, WF13 3SW
Recommending Officer:	Jennifer Booth

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 27-Jun-25

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OFFICER REPORT

Site Description
The application site is 65, Groves Hall Road, Dewsbury Moor. It comprises a relatively modern 2-storey end terraced house located at the junction with Well Lane. The building is predominantly surfaced in red brick with some white cladding to the front, and it has a dual pitched roof surfaced in grey / brown tiles. There is a porch to the front; a single storey extension to the side; and to the back is a conservatory attached to a flat roof single storey element and a detached double garage with flat roof accessed from Well Lane.
The land at the application site is relatively flat and the surrounding area is largely residential with houses of similar age, design and appearance.

Description of Proposal
Planning permission is sought for alterations and extension to detached garage to create dwelling forming annex accommodation associated with 65, Groves Hall Road.
The existing conservatory would be demolished
The walls would be constructed using stone with tiles for the roof covering.

Relevant Planning History
02/92787 – Erection of 2-storey extension. Refused.
03/91762 – Erection of conservatory. Conditional full permission.
2016/92842 – Alterations and extension to detached garage to create dwelling forming annex accommodation associated with 65, Groves Hall Road. Refused
2017/90487 - Alterations and extension to detached garage to create dwelling forming annex accommodation associated with 65, Groves Hall Road. Refused

History of negotiations
Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The proposals do not comply with relevant planning policy, and no amendments have been sought; furthermore, the physical constraints of the site significantly limit the potential for any such development to be supported in principle.

Representations
The application was advertised by neighbour letters, which expired on 10/07/2023
As a result of the above publicity, one representation has been received.
The objector opposes a planning application that was previously refused.
They note that the resident has since used the property for business purposes, leading to the driveway being cluttered with building materials.
They express concerns about where the car and materials will be stored, poor

waste management (e.g., bins and rubbish left outside, including a fridge and a dumped car), and argue that since the application was turned down before, it should be refused again.

Consultation Responses
None

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).
The site is UNALLOCATED on the Kirklees Local Plan Proposals Map
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.
Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. 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 this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

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 the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

As a point of clarification regarding the submitted plans, whilst the existing plans show the outbuilding having a pitched roof at present, at the time of the site visit, the roof seen was clearly a flat roofed outbuilding.
Planning permission has been refused previously in 2016 & 2017. The detail has been amended in terms of design and shall be fully assessed as follows.

Impact on visual amenity:

The application proposes the erection of a replacement outbuilding to serve as an annex, incorporating a larger footprint than the structure it replaces. The proposed design utilises materials that are indicated to match those of the host dwelling, which is generally supported as a means of achieving visual integration with the main house. Additionally, the proposal includes the removal of the existing conservatory, which would assist in reducing the overall extent of built form within the rear garden area.

The internal layout of the annex accords with the minimum requirements of the Nationally Described Space Standards (NDSS), and the design intention to provide a self-contained ancillary unit has been clearly articulated. Notwithstanding these considerations, the available private amenity space to the rear of the property is notably constrained. This is of particular relevance given that the host dwelling has previously been subject to extensions, thereby already reducing the original level of garden space.

In this context, the introduction of a significantly larger outbuilding, notwithstanding the removal of the conservatory, is considered to result in an overdevelopment of the rear garden. The massing and siting of the annex in relation to the limited residual garden space would undermine the spacious character typically expected of residential plots in the locality and would give rise to an unduly cramped and visually intrusive form of development.

As such, the proposal does not comply with the aims of Policy LP24 of the Kirklees Local Plan, which seeks to ensure that development respects and enhances the character of the local area. Furthermore, it is contrary to Key Design Principles 1 and 2 of the House Extensions & Alterations Supplementary Planning Document, which require that proposals be subordinate to the host property and maintain adequate external amenity space. The scheme also fails to accord with the design objectives outlined in Chapter 12 of the National Planning Policy Framework (NPPF), which seeks to ensure that new development is sympathetic to local character and maintains a high standard of amenity for existing and future users.
In view of the above, the proposal is not considered to be acceptable in terms of visual amenity.

Impact on residential amenity:
Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 61/63 Groves Hall Road
The proposal seeks to erect a replacement outbuilding with an increased width and a pitched roof design, located adjacent to the eastern boundary of the site. It is acknowledged that the neighbouring property to the east is situated on slightly higher ground and benefits from its own rear extension, which minimises some of the potential impact of the proposed development. Previous applications on this site have been refused, in part, due to concerns regarding the potential overbearing impact on the neighbouring occupier. Particular issues identified previously related to the combined massing and height.

The applicant has responded to these concerns by reducing the overall height of the structure. This revised development has not sufficiently reduced the visual massing of the development and the height, and proximity to the neighbouring boundary, is such that it continues to result in a harmful overbearing impact and loss of outlook. Despite the neighbouring property's elevated garden level and the presence of their existing extension, the proposed scheme—although reduced in height from previous versions—would still give rise to an unacceptable level of overshadowing, visual dominance for the extent of the boundary, and loss of amenity for adjacent residents. However, the absence of windows on the eastern elevation ensures that no loss of privacy or overlooking would occur.
With regards to the impact on the adjoining 61/63 Grove Hall Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on

neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be unacceptable.

Impact on 1 Wells Road
The proposed development involves the replacement of an existing outbuilding with a new structure of increased width and a pitched roof form. The building would occupy a similar position in relation to the southern boundary and would be constructed on land that is level with the neighbouring property to the south.

The proposal would replace an existing flat-roofed outbuilding, maintaining a comparable relationship with the adjacent dwelling. Although the introduction of a pitched roof would result in an increase in overall height, this increase is modest and would be viewed in the context of the existing built form on site. It is noted that the neighbouring property to the south has a first-floor window within the side elevation that faces towards the application site. However, this window serves a landing area, which is not classified as a habitable room for the purposes of assessing residential amenity impacts. As such, any minor loss of outlook or light to this window is not considered to be of significant concern.

Taking into account the nature of the room served by the side-facing window, the comparable siting to the existing structure, and the modest scale of the pitched roof, it is considered that the increase in both height and width would not result in an unacceptable or materially harmful level of overshadowing, loss of light, or overbearing impact. The proposal does not include any windows facing towards this neighbouring property, and therefore no issues of overlooking or loss of privacy would arise.

The proposed replacement outbuilding, while larger in scale, would not have a significant impact on the residential amenities of the neighbouring occupiers to the south. The relationship remains acceptable and in keeping with established planning principles relating to residential amenity.

With regards to the impact on the adjacent 1 Wells Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

Impact on 4 & 6 Wells Road
The proposed development seeks to replace an existing flat-roofed outbuilding with a larger structure featuring an increased width and a pitched roof form. The replacement building would retain a broadly similar siting to the existing structure and maintain the established spatial relationship with surrounding properties.

The south-western neighbour is located at a distance of approximately 22 metres from the proposed outbuilding with the road between the properties.

This separation distance complies comfortably with the minimum spacing standards generally applied in assessing impacts on residential amenity, and the proposed development would not result in any reduction to this existing degree of separation.

Although the proposal would introduce a modest increase in height due to the pitched roof, the scale and massing of the building are not considered excessive, particularly when viewed in the context of the established separation. Furthermore, the structure would be sited in the rear portion of the application site where an existing outbuilding already occupies a similar footprint. As such, the relationship between the properties would remain largely unchanged in character.

Given the generous separation distance and the limited scale of the proposed building, it is considered that the development would not give rise to any significant issues in terms of overshadowing, overbearing impact, or loss of privacy. The visual presence of the outbuilding when viewed from the south-western neighbour's property would be minimal and comparable to the current arrangement.

With regards to the impact on the 4 & 6 Wells Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, there would be harm to the amenities of the occupiers of the adjoining property, 61/63 Groves Hall Road and as such the scheme fails to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:
The application proposes the construction of a one-bedroom annex to replace an existing double garage within the curtilage of the property. It is noted that the host dwelling has previously been extended, increasing the overall occupancy potential of the site.

The removal of the existing double garage would result in the loss of two off-street parking spaces. While the annex is described as ancillary accommodation, it would include all the facilities associated with independent living. As such, there is potential for the annex to function as a separate unit, either now or in the future, thereby increasing the overall demand for on-site parking.

On-street parking provision in the immediate area is constrained, and the loss of the garage would place additional pressure on limited on-street capacity. The proposal does not include any replacement off-street parking or

demonstrate how sufficient on-site provision would be retained to meet the needs of both the extended dwelling and the proposed annex.

In accordance with Policy LP22 of the Kirklees Local Plan, development proposals should demonstrate adequate off-street parking arrangements to avoid highway safety concerns and to ensure that the development does not lead to congestion or obstruction on surrounding roads. In this instance, the proposal fails to provide adequate parking provision commensurate with the scale and layout of the extended dwelling and annex.

Given the existing parking pressures in the area and the lack of compensatory on-site provision, the development is considered to have a detrimental impact on highway safety and the free flow of traffic. As such, the proposal is contrary to the aims and objectives of Policy LP22 of the Kirklees Local Plan and cannot be supported in its current form.

Other matters:

Carbon Budget
The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. There are no other matters for consideration.

Representations:
One representation has been received which raised the following materials planning matters.

Previous refusal of the application - Planning history is acknowledged. The authority will assess whether the current proposal addresses previous reasons for refusal. If there are no significant changes or improvements, refusal may still be justified.

Use of property for business purposes - If the property is being used for business purposes that materially change its character (e.g., storage of commercial materials, increased traffic), this may require a separate planning permission for change of use. If the proposed development supports or expands this use, the authority will consider its compatibility with residential surroundings.

Storage of building materials on the driveway - Long-term or permanent storage of materials that harms the appearance of the property or wider area may be considered harmful to the visual amenity. Planning officers may visit the site and take this into account when assessing the application.

Parking concerns, where would the applicant put the materials and the car -
If the proposed development would reduce available parking or increase demand without sufficient off-street provision, this may be grounds for refusal

due to potential impact on local highways and congestion. The application should demonstrate how parking will be managed.

Matters which are not material to the determination have also been raised.

Bins left on the street **-** This is a minor waste management issue and is typically handled under separate environmental or enforcement powers. It is not a material planning consideration.

Rubbish or fridge left outside - Leaving rubbish or bulky items like a fridge on the kerb is a matter for local environmental health or public nuisance enforcement. It is not relevant to the planning decision.

Dumped car - An abandoned or dumped vehicle would fall under highways or nuisance legislation, not planning policy. This is not a material planning concern.

It was turned down before so it should be again - While planning history is considered, each application must be assessed on its own merits. A previous refusal does not automatically mean this application should be refused.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application for alterations and extension to detached garage to create dwelling forming annex accommodation associated with 65, Groves Hall Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. The proposed annex, by reason of its increased footprint and siting within a constrained rear garden—already reduced by previous extensions—would result in overdevelopment of the site, appearing cramped and visually intrusive. The proposal would not be subordinate to the host dwelling and would lead to an unacceptable reduction in private amenity space. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP 1 and KDP 2 of the House Extensions & Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

The proposed development, by reason of its scale, massing, and siting, would result in an unacceptable impact on the residential amenities of the occupiers of Nos. 61 and 63 Groves Hall Road. The revised design has not sufficiently reduced the visual bulk of the proposal and would continue to appear unduly overbearing and dominant when viewed from these neighbouring properties. The resulting impact would lead to a significant loss of outlook and an increased sense of enclosure, particularly when experienced from the rear gardens and habitable rooms. Additionally, the development would give rise to an unacceptable degree of overshadowing in the afternoon, further

diminishing the enjoyment of external amenity space. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP 5 and KDP 6 of the House Extensions & Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

The proposed annex would result in the loss of two off-street parking spaces without providing suitable replacement, despite the increased occupancy potential of the extended dwelling. In the context of limited on-street parking, this would lead to increased parking pressure, to the detriment of highway safety and the free flow of traffic. To permit the proposal would be contrary to Policy LP22 of the Kirklees Local Plan.

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. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2023/91576
Officer Recommendation: Refuse
Reasons for refusal

1. The proposed annex, by reason of its increased footprint and siting within a restricted rear garden, already reduced by previous extensions, would not be subordinate to the host and result in overdevelopment of the site, appearing cramped and visually intrusive to the detriment of the character of the area contrary to Policy LP24 of the Kirklees Local Plan, KDP 1 and KDP 2 of the House Extensions & Alterations SPD, and Chapter 12 of the National Planning Policy Framework..

2. The proposed development, due to size, scale and positioning, would result in an unacceptable reduction in private amenity space to the detriment of the occupants contrary to Policy LP24 of the Kirklees Local Plan, KDP 1 and KDP 2 of the House Extensions & Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

3. The proposed development, by reason of its height, scale, massing, and siting along the boundary, would result in an unacceptable detrimental impact on the residential amenities of the occupiers of Nos. 61 and 63 Groves Hall Road. The revised design has not sufficiently reduced the visual bulk of the proposal and would continue to appear unduly overbearing and dominant when viewed from these neighbouring properties. The resulting impact would lead to a significant loss of outlook and an increased sense of enclosure, particularly when experienced from the rear gardens and habitable rooms. Additionally, the development would give rise to an unacceptable degree of overshadowing in the afternoon, further diminishing the enjoyment of external amenity space. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP 5 and KDP 6 of the House Extensions & Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

4. The proposed annex would result in the loss of two off-street parking spaces without providing suitable replacement for the potential for increased occupancy of the extended dwelling where there is limited on-street parking. The loss of parking combined by with an intensification in accommodation would lead to increased parking pressure, to the detriment of highway safety and the free flow of traffic. To permit the proposal would be contrary to Policies LP21 and LP22 of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received

Plan Type	Reference	Web ID	Date Received
Location plan	-	992314	05/06/2023
Existing & proposed plans	-	992082	05/06/2023
Existing & proposed plans	-	992080	05/06/2023
Climate change statement	-	992104	05/06/2023

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 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 proposals do not comply with relevant planning policy, and no amendments have been sought; furthermore, the physical constraints of the site significantly limit the potential for any such development to be supported in principle.

Report Dated 25/06/2025