

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:	2025/62/90426/E
Site Address:	54, Warren Street, Savile Town, Dewsbury, WF12 9LX
Description:	Erection of two storey side extension and dormers to form 4 additional flats
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: 09 June 2025

Officer Report

Site Description

54 Warren Street, Savile Town, Dewsbury, WF12 9LX.

The application relates to 54 Warren Street, a two-storey building located on the corner of Warren Street and South Street. The building is an L-shape and wraps around the corner of the plot. It serves a retail unit at ground floor and three residential flats at first floor level.

The site is unallocated within the Kirklees Local Plan but is located within Savile Town Local Centre and the Strategic Green Infrastructure Network.

Description of Proposal

The applicant is seeking permission for the erection of a two-storey side extension and dormers to form 3 additional flats.

Side Extension

The proposed side extension would project above the existing single storey element to the south-western side of the building. The roof ridgeline and eaves would align with the existing building.

Dormers

Three, flat roofed dormers would be erected within the front roof face of the building. They would be 4.1(w)x1.8(h)x3.5(d)m.

Four, flat roofed dormers would be erected to the rear of the building, varying in width between 3.1m and 6.5m. They would all be 1.9m high and 3.5m deep.

Two additional, one-bedroom flats, and one, two-bedroomed flat would be provided in the proposed extension and increased roof space.

History of negotiations/amendments received

Officers had concerns regarding the scale of the proposed rear dormers and as the proposed flats did not provide sufficient floor space for the future occupants. Amended plans were sought and the scale of the dormers was reduced and the proposal was reduced from 4 dwellings to 3. The description of proposal was amended to reflect this. As the scheme was reduced in scale, and would have no additional impact on residential amenity, no advertising was considered necessary.

Relevant Planning History

2020/94310 Formation of flat and internal works. Conditional Full Permission.

2023/93165 Formation of access to basement. Conditional Full Permission.

Representations

The application was advertised site notice and on the web. Final publicity expired 28th March 2025.

No representation was received in response to the above consultation.

Consultation Responses

KC Environmental Health – no objections subject to conditions.

KC Highways Development Management – no objections.

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 Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), both require development to be considerate in terms of the character of the host property and the wider street scene.

The site is unallocated within the Kirklees Local Plan but is located within Savile Town Local Centre and the Strategic Green Infrastructure Network.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP15** – Residential use in town centres
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design

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 12 – Achieving well-designed places

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).

- Kirklees Housebuilders Design Guide SPD (2021).
- National Design Space Standards

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
- 6) Conclusion

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 the NPPF. The proposal is for the erection of extensions to form four flats.

The site is located within Savile Town Local Centre and the Strategic Green Infrastructure Network.

Policy LP15 provides guidance for the development of residential uses within defined town centres. Paragraph 9.25 states that ‘the principle for the provision of residential accommodation in town centres is supported provided it does not lead to an adverse impact on the operation of the town’s retail core or would reduce space for other main town centre uses if outside of the primary shopping area’.

The application site is not located within the primary shopping area or within a primary shopping frontage. The proposal relates to a street which hosts a variety of residential and commercial uses. The proposal would retain the existing retail units at ground floor level.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As 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 paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or

the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or
- (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. The site could in theory accommodate less than one dwelling. However, LP7 also states that ‘higher densities will be sought in principal town centres and in areas close to public transport interchanges’. This site has a significantly higher density than the desired 35p/h so officers must consider whether the scheme would result in overdevelopment. Given the scheme is for flats, as long as the proposal provides a good standard of living for future occupants, as assessed in section 3, the principle is acceptable.

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. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) 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...”

Extension

The proposed first floor extension would be a modest addition to the side of the building. Although the roof ridge and eaves would align with the existing building, given the small scale of the proposal, the scheme would still be subservient to the host building. The new opening in the front elevation would be in keeping with the existing in terms of design and scale.

Dormer

The proposed dormers to the front of the building would not be dissimilar from the existing dormer windows on Warren Street to the west. They would be set well within the existing roof face and therefore are considered acceptable on balance.

Initially, the proposed rear dormers were large in scale and covered almost the entire roof face. Officers requested the dormers were reduced in scale and the height of the dormers was significantly reduced to mirror the front dormers. Whilst the dormers are still wide, they are similar in scale to the dormers on the adjacent dwellings to the south (42 and 44 South Street). The dormers would also only be visible from the access road and rear of the other properties to the south, but they would not be visible from the highway. It is also noted that most of the properties surrounding the site have large rear dormers erected. It is therefore considered on balance that the proposed dormers are acceptable.

Having taken the above into account the proposed development would not cause any significant harm to the visual amenity of either the host property or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 and 13 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 (b), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers as well as paragraph 135 (f) of the NPPF which states that developments should *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*.

There are residential dwellings to the south, east and west of the application site. To the north is an Education Centre.

To the rear, additional openings would be proposed, one at 1st floor level and 5 windows within the proposed dormers. These may cause additional overlooking harm to the rear amenity space of the dwellings to the south. It is however noted that there are existing openings at first floor level, which serve habitable rooms and therefore this relationship has already been established. Therefore, it is considered on balance that the proposed new openings would not cause detrimental harm to the amenity of the neighbouring occupants over and above the existing arrangements on site.

The proposal would protrude closer to the neighbouring property to the west, 44 Warren Street, at first floor level. There are no openings in the side elevation of no.44 so no harm to residential amenity is considered to be caused.

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 proposal would serve four, one-bedroom flats. The openings in the front elevation would front the Zakaria Education Centre, with a separation distance of ~18m which could cause overlooking harm to the future occupiers. This would be a greater separation than the existing, established relationship between the flats at first floor level and the Education Centre. Therefore, on balance, the proposed openings are considered acceptable in terms of residential amenity. It is also noted that the rear dormer which serves Flat 6 would front the side elevation of the existing dormer windows. Given this opening would serve as a secondary opening to an open plan living area, this relationship is considered acceptable on balance.

The proposed flats initially failed to meet the minimum recommendations for internal floor areas as set out within the Nationally Described Space Standards (NDSS). Amended plans were received which reduced the total number of flats proposed to 6. Flat 4 would have one bedroom which would be considered to serve one person due to the size. As the dwelling is split across two stories, there is not a described floor area for this type of dwelling. Officers do however consider the proposed floor area is of an appropriate scale for the development proposed and therefore all flats now comply with the minimum recommendations for internal floor areas as set out within the NDSS for the number of bedrooms they serve. The proposed development therefore provides adequate living space for future occupants which would comply with LP24 of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and paragraph 135 of the NPPF.

KC Environmental Health (EH) have been consulted on the proposal. The development site sits above and adjacent to existing commercial uses and they have concerns about the transmission of noise affecting the amenity of the future occupiers. Should approval be recommended it would be necessary to impose a condition requiring a noise assessment to be submitted so officers can assess the impact that existing commercial noise sources would have on the future occupiers of the proposed development. This would need

to be pre-commencement as it would likely impact on the methods of construction. The applicant is also informed that a higher level of sound insulation is required where residential and commercial uses share a party wall/floor/ceiling and this must be considered in the noise assessment.

Therefore, it is considered the proposed development would not cause significant harm to the residential amenity of the existing or neighbouring occupiers and is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Chapter 9 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. The Highway Design Guide SPD is also relevant.

No off-street parking provision has been provided and there is restricted on street parking. The site is ~680m south of Dewsbury Bus Station and there is a bus stop ~150m from the property. Dewsbury train station is ~950m from the property. Given the proximity to public transport links and as the site is located within Savile Town Local Centre, the lack of parking provision is considered acceptable in this instance.

No details of bin storage or collection had been provided however this can be secured by condition.

Therefore, the proposal scheme is considered to comply with the recommendations in the Highways Design Guide and policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

Ecology

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 granted pursuant to an application submitted after 12 February 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 on their application form that the application is exempt from requiring BNG under the de minimis exemption as the proposal

would not include any ground works. Officers have no reason to disagree with this and therefore no additional information was required.

The proposed development is therefore considered to comply with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 - Representations

No representations were received as a result of site publicity.

7 – Conclusion

This application for the erection of extensions and dormers to form 3 additional flats at 54 Warren Street in Savile Town has been assessed against relevant policies in the development plan as listed in the policy section of the report, the Housebuilders Design Guide SPD, the National Planning Policy Framework and other material considerations.

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.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/92075

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 LP7, LP20, LP21, LP22 and LP24 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11 and 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

4. Before construction work 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 premises etc. 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 living rooms and gardens (daytime), bedrooms (nighttime) and other habitable rooms of the development
- b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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. This is a pre-commencement condition as the required noise mitigation may affect the method of construction of the development.

5. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 53dB DnTw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence

to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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. Before the development is brought into use, details of suitable 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.

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: 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 schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			24.02.2025
Grouped Existing and Proposed	23271-D04	B	29/05/2025
Proposed Elevations	23271-K02	A	02/05/2025
Design and Access Statement	hk/O/Svltn/APC/18.12.24		24.02.2025

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers had concerns regarding the scale of the proposed rear dormers and as the proposed flats did not provide sufficient floor space for the future occupants. Amended plans were sought and the scale of the dormers was reduced and the proposal was reduced from 4 dwellings to 3. The description of proposal was amended to reflect this. As the scheme was reduced in scale, and would have no additional impact on residential amenity, no advertising was considered necessary.

Report Dated: 02/06/2025