

**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:	2025/62/90786/E
Site Address:	89, Providence Court, Thornhill Lees, Dewsbury, WF12 9HX
Description:	Erection of detached garage and installation of first floor window
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: 4-Jun-25

OFFICER REPORT

Site Description

The site comprises a house which has a separate parking area located to the north. 89 Providence Court is a modern, stone built town house with three storeys. The front door opens onto the access lane and there is an enclosed garden to the rear. The parking area is located to the rear of the row and is accessed via an entrance under the neighbouring 93 Providence Court to the south east.

The properties have been built with a mix of brick and stone.

Description of Proposal

The applicant is seeking permission for an alteration to the size of an existing first floor window in the front elevation and the erection of a garage in the parking area.

The garage is flat roofed and would have a width of 2.6m, a depth of 5m and a height of 2.8m. The walls would be constructed using stone.

Relevant Planning History

None

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 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 Policy in terms of visual amenity and highway safety. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 02/05/2025

As a result of the above publicity, no representations have been received.

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
- **LP21** – Highway and access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **LP 53** - Contaminated land

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 9 – Promoting sustainable transport

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Fenestration alteration

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, **design**, roof pitch or detailing, proposals will be considered on a case by case basis.”

The proposed fenestration alterations are minor and would not significantly alter the character or appearance of the host dwelling. The bottom of the window line would be dropped and would align with the level of the window on the adjoining dwelling.

Garage

Whilst the garage is not built in the curtilage, it would still be built in the middle of the residential area. As such, the House Extensions & Alterations SPD can still be considered to be relevant. Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

The garage, would appear at odds with the existing grain of development given that no other garages are present in this particular location in what was originally designed as an open courtyard parking area. The existing garages to the rear were planned as part of the original development scheme and are set in linear format to the rear of the site, consistent with the grain and design of built form.

Whilst the detached garage would be modest in scale and constructed of materials that are in keeping with those in the vicinity it would be a flat roofed outbuilding isolated from the dwelling and in a currently open area resulting in ad hoc development in a planned estate. In erecting a single garage in the location proposed it would appear incongruous within the space to the detriment of the area and original layout of the development. Whilst each proposal should be assessed on its own merit the erection of one garage could result in other sporadic development that would not be in the interest of visual amenity.

Having taken the above into account, whilst the change to the window would be acceptable, the proposed garage would result in significant harm to the visual amenity and character of the area. As such, the development would conflict with Policy LP24 of the Kirklees Local Plan—specifically part (a), due to concerns with the form, scale and layout, and part (c), as the extension would not appear as a subservient addition in keeping with the existing building and the objectives of chapter 12 of the National Planning Policy Framework.

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.

The fenestration changes face onto public open space and do not introduce any additional opportunities for overlooking.

The proposed garage is located within the property's allocated parking courtyard and has no direct relationship with neighbouring residential

curtilages. As a result, there would be no harm by way of overlooking, overshadowing, or overbearing impact.

The proposal therefore accords with Policy LP24(b) of the Kirklees Local Plan, which seeks to ensure that development preserves a good standard of amenity for existing and future occupants, and with guidance within the House Extensions & Alterations SPD.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying 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 proposed garage would reduce the amount of designated off-street parking available to the property. Although its scale and appearance may be comparable to other garages within the wider site, the internal dimensions of the structure fail to meet current minimum standards for usable parking spaces, raising concerns about its practicality and functionality. Erecting a building in the position shown would interfere with manoeuvrability to the adjoining parking spaces as well as significantly decreasing accessibility for users of those spaces. The development would, therefore, result in the loss of useable parking spaces associated with the dwellings and displacement of those vehicles.

The three bedroom property would be left with only one off-street parking space, and while some on-street parking exists in the vicinity, reliance on this is not considered appropriate. Site observations indicate on-street parking is already utilised in the area, introducing further dependence on it could lead to future issues of demand and congestion or obstruction around residential properties to the detriment of pedestrian and highway safety.

Taking these factors into account, the loss of functional off-street parking combined with increased pressure on on-street capacity is considered likely to have a detrimental impact on highway safety and the efficient operation of the local road network. As such, the proposal is considered contrary to Policy LP21 and LP22 of the Kirklees Local Plan, which seeks to ensure development promotes safe, accessible, and efficient movement for all users.

Other matters:

Crime prevention

Good design can secure safer environments and help prevent crime through a range of measures including encouraging formal and informal surveillance, controlling movement within developments and providing a clear delineation between public and private space. A reduction in crime can have a positive impact on the well-being of occupiers.

Policy LP24 e. requires that *the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;*

The erection of a structure in an open car park will reduce natural surveillance of the parking area increasing the risk of crime contrary to Policy LP24 e.

Biodiversity

Given the nature of the works proposed, it is considered unlikely to have an impact on matters of ecology.

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

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:

None

Negotiations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to change the size of a front window in the house and erect a garage associated with 89 Providence Court 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 garage, by reason of its design, scale, and siting, would form an incongruous and visually intrusive addition that fails to respect the character and appearance of the host property and the surrounding street scene. The development is considered to represent a poor standard of design that does not contribute positively to the built environment. It would also reduce natural surveillance of the parking area which would not be in the interest of crime prevention.

As such, the proposal is contrary to Policy LP24 of the Kirklees Local Plan, which seeks to ensure high quality design that is visually attractive and well-related to its context, and to the aims of Chapter 12 of the National Planning Policy Framework, which promotes good design as a key aspect of sustainable development.

Furthermore, the proposed garage, by virtue of its size and position, would fail to meet current minimum internal dimensions required for a functional parking space as well as interfering with the useability of the adjoining spaces. As a result, the development would lead to the loss of usable off-street parking spaces, thereby increasing the potential for on-street parking and associated highway safety concerns. The proposal is therefore contrary to Policy LP21 and LP22 of the Kirklees Local Plan, which seeks to ensure adequate provision of parking to support sustainable travel and highway safety, and to the aims of Chapter 12 of the National Planning Policy Framework, which promotes development that functions well and ensures safe and accessible environments development.

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: 2025/90786

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed garage, by reason of its design, scale, and siting, would form an incongruous and visually intrusive addition that fails to respect the character and appearance of the locality. The development is considered to represent a poor standard of design that does not contribute positively to the built environment increasing opportunity for crime in the parking area. As such, the proposal is contrary to Policy LP24 of the Kirklees Local Plan, which seeks to ensure high quality design that is visually attractive and well-related to its context, and to the aims of Chapter 12 of the National Planning Policy Framework, which promotes good design as a key aspect of sustainable
2. The proposed garage, by virtue of its size and position, would fail to meet current minimum internal dimensions required for a functional parking space as well as detrimentally impacting on the accessibility of the adjoining spaces. As a result, the development would lead to the loss of useable parking spaces, thereby increasing the potential for on-street parking and conflict with pedestrian and highway safety. The proposal is therefore contrary to Policies LP21 and LP22 of the Kirklees Local Plan, which seeks to ensure adequate provision of parking to support sustainable travel and highway safety, and to the aims of Chapter 12 of the National Planning Policy Framework, which promotes development that functions well and ensures safe and accessible environments.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	1081975	28/03/2025
Existing site plan	1	1081814	28/03/2025
Proposed site plan	2	1081935	28/03/2025
Elevations	3	1081934	28/03/2025
Proposed garage	4	1081817	28/03/2025
Climate change statement	-	1081933	28/03/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

The proposals do not comply with Policy in terms of visual amenity and highway safety. Amended plans have not been sought.

Report Dated

29/05/2025
