

**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:	2025/62/91802/E
Site Address:	176, Huddersfield Road, Westtown, Dewsbury, WF13 2RN
Description:	Conversion of outbuilding to dwelling and associated works
Recommending Officer:	Elenya Jackson

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 04 November 2025

Officer Report

Reference No. 2025/91802

Site Address: 176, Huddersfield Road, Westtown, Dewsbury, WF13 2RN

Proposal: Conversion of outbuilding to dwelling and associated works

Site Description

The application relates to stone built out building which is currently used for storage.

The building is located to the rear of 176 and 174 Huddersfield Road and is set back from the road by 42m which is currently a driveway access to the rear of these properties.

The immediate vicinity of the site is residential in nature with properties of varying scale and design.

Description of Proposal

The proposal is for the change of use for the existing building to form a residential dwelling.

The dwelling would consist of a bedroom, bathroom, study, kitchen and living area.

The footprint of the building would remain unaltered with a floor area of approximately 60m².

History of negotiations / amendments received

Officers requested that the bathroom and study were swapped on the floor plans to avoid reduce a direct relationship between the application site and adjoining neighbours.

Relevant Planning History

None relevant

Representations

The application was publicised by site notice and press advertisement, which expired on 14th August 2025. As a result of the above publicity, 7 representations have been received. The concerns raised are summarised as follows:

- Overdevelopment
- Lack of windows

- Impact on adjoining neighbours
- Impact on noise
- Parking

Consultation Responses

KC Highways DM: Concerns regarding access of the site and parking provision.

Environmental Health: Informal discussion on 3/10/2025. No further comments

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. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable 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.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)

- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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, 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
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of development

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or

b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

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 (ii) 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, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. Having visited the site, officers are of the opinion that the site is contained within a residential setting, in a sustainable location and the site currently operates as a garage. As such, the principle of change of use to a dwelling in this location may be acceptable, meeting the requirements of Policies LP1 and LP24 of the Local Plan and Chapters 2, 5 and 9 of the NPPF in this regard.

1. Impact on Visual Amenity

Visual Amenity

The proposed new dwelling would be the same as the existing layout on site and feature limited external changes.

Principle 5 of the Kirklees House Builders Design guide states ‘Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography. The arrangement of buildings should consider maintaining privacy and residential

amenity. Effective boundary treatments should be used to form defensible space and delineate between public and private realm. Buildings should be arranged to take account of weather and microclimate'. It is considered that the positioning of the dwelling would enable them to accord with Principle 5.

Principle 2 of the Kirklees House Builders Design Guide states that 'New residential development proposals will be expected to respect and enhance the local character of the area by: Taking cues from the character of the built and natural environment within the locality. Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details. Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.'

Principle 15 of the House Builders Design Guide SPD refers to roof lines and states that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types. Consideration should be given to the pitch of roofs, the inclusion of dormer windows, provision of green/blue roofs, the role of roofs in providing outdoor space and ensuring that the design of roofs does not allow for easy climbing access to upper floor windows.

The proposal would involve the conversion of an existing garage/outbuilding and would have limited external alterations. It is considered the proposal's scale, location design and materials would not cause significant harm to the visual amenity of the area.

The proposal would therefore not comply with Policy LP24 of the Kirklees Local Plan, the House Builders Design Guide SPD Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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.

Impact on 178 Huddersfield Road: adjoins the application site to the south.

Overlooking: At ground floor level, no.178 has the window for a kitchen/dining area. It is considered that the proposal would be in close proximity to the rear elevation of this dwelling and the bedroom window of the application property would not have a substantial off set relationship to limit overlooking.

Therefore, the proposal would have an unacceptable overlooking relationship to the rear of no. 178.

Overshadowing/loss of light/overbearing: The dimensions of the structure would remain unchanged and therefore no issues regarding overshadowing/loss of light or overbearing would result.

Impact on 176 Huddersfield Road: adjoins the application site to the south.

Due to the offset relationship between the dwellings, no significant concerns would be raised regarding the residential amenity of the occupiers of no.176.

Impact on 16 Quarry Road: adjoins the application site to the north.

Overlooking: The proposal would not feature any rear facing windows and as such would not result in overlooking.

Overshadowing/loss of light/overbearing: The proposal would not increase the dimensions of the existing building therefore no issues regarding overshadowing/loss of light or overbearing would result.

Impact on 180 Huddersfield Road: adjoins the application site to the south.

The dimensions of the proposal would remain unchanged and there would be a an offset separation distance of 21m between the properties. Therefore, no significant issues would be raised regarding the residential amenity of the occupiers of no.180.

The proposal would create an additional dwelling in a residential setting; as such, it is considered that once occupied, a residential property is unlikely to generate significant levels of noise. Officers have discussed the application with KC environmental health and no further conditions have been deemed necessary in this regard.

Summary

Having considered the above factors, the proposal would be considered in too close proximity to the rear of 178 Huddersfield Road which would result in an adverse overlooking impact upon the residential amenity of the occupiers of this dwelling, thus failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, and paragraph 135(f) of the National Planning Policy Framework.

3. Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account principle 16 of the Kirklees House Builder's Design Guide which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National space standards require the following gross internal floor area for a three-storey dwelling:

1 Bedroom, 1-person dwelling set over 1 storeys- 39 square metres

1 Bedroom, 2-person dwelling set over 1 storeys- 50 square metres

The proposed dwelling is one bedroom over one floor and is therefore required to have an internal floor space of 39m².

The proposal is shown to have an internal floor space of 60m²; it is considered that an acceptable standard of living would be demonstrated if the proposal received planning permission.

Principle 17 of the House Builders SPD states 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. External space should be able to accommodate activities such as playing, drying clothes, cycle, waste and recycling storage.

Due to the property being a conversion of an outbuilding in conjunction with no 178/176 Huddersfield Road, the property would not benefit from any amenity space, private or otherwise as the front of the property is shared parking in conjunction with the existing properties.

It is considered that the resultant layout of development on site would not provide a sufficient standard of residential amenity of the future occupiers of the site thus failing to comply with Policy LP24 of the Kirklees Local Plan and Principle 17 of the House Builders Design Guide. There would not be sufficient space on site to overcome these concerns.

Overall, it has been considered that the proposal would fail to accord with the aims of Policy LP24 (B) of the KLP.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, 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.

The proposed alterations would create an additional residential dwelling to the rear of the site. The application has been reviewed with KC Highways. Their comments are that due to the site being accessed from Huddersfield Road and three independent dwellings being proposed to utilise the access, the existing layout would not be adequate to support the development.

Revisions would be required that include the first 5m of the access being increased to 5m in width to allow for two vehicles to pass each other as it would not be acceptable for vehicles to wait on the highway at this location. Scaled plans would be required that demonstrate parking provision that would be appropriate for all three dwellings (as proposed). Finally, details of bin presentation points would also be required.

Officers have not requested these revisions are provided to the application as there are fundamental concerns with the proposal relating to residential amenity and site layout that cannot be overcome due to size constraints of the site.

Therefore, it is considered that the proposal would not demonstrate safe and efficient operation of the highway network and would fail to be in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, the Housebuilders Design Guide SPD and the Highways Design Guide SPD.

5. Other Matters

Carbon Budget

The proposal is a small-scale domestic development. 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.

Contaminated land/Coal Legacy

The application site is located in a High risk Coal area as defined by the Mining Remediation Authority; however, due to the proposal being for a change of use, the application has not been supported by a coal mining risk assessment.

Due to the proposal's location within a high risk coal area and the potential for combustible materials on site, officers consider it necessary to impose a condition relating to unexpected contaminated land, should permission be granted.

As the proposal would be for a residential use and in close proximity to other residential properties, it is considered reasonable to include this as a condition for any future decision notices to ensure the proposal would accord with Policy LP53 of the Kirklees Local Plan.

Drainage

The agent has indicated on the submitted application form, that both foul and surface water from the developed site are to be discharged into the mains sewer and a soakaway. Details of the soakaway have not been provided. Due to the scale of the proposal, the statutory drainage bodies have not been consulted on this application so it is not currently known whether these methods of drainage would be acceptable to them in this particular instance. However, given that this site lies within a main built up area and is enclosed by residential development, it is considered very likely, on the balance of probability, that a suitable means of draining the development could be achieved in this instance. In view of this, and as control over drainage matters can reasonably be exercised through the Building Control process, it is considered that there are no reasonable drainage grounds for opposing this development.

Ecology/Trees/Bats

The site is located within a Bat Alert Layer within the LPA's GIS system. No supporting or additional surveys have been provided during the course of the application. Officers consider that at the time of site visit, the existing garage appeared well sealed and to have a low roosting potential. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice

It is deemed necessary to add a condition requiring the installation of a bat box in order to provide biodiversity enhancement.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.

This dwelling would be a conversion of an existing unit and therefore would qualify for the de minimis exemption, thus exempt from BNG requirements. A note will be added to the decision notice to this effect should the proposal receive permission.

In view of this it is considered that the proposal will reasonably satisfy the requirements of Policy LP30 of the Kirklees Local Plan and of Chapter 15 of the National Planning Policy Framework in ecological terms.

There are no other matters relevant to the determination of this application.

6. Representations

The following concerns were raised in representations in response to this application:

- Overdevelopment

Officer response: The application would not increase the scale of development on site as it would not increase the footprint. However, there are concerns that a satisfactory layout on site would not be obtainable in this instance.

- Lack of windows

Officer response: main living spaces such as bedrooms, living room and dining room all have natural light provision.

Impact on adjoining neighbours

Officer response: The impact on adjoining neighbours has been assessed above.

- Impact on noise

Officer response: The proposal has been considered to not have any significant impact on adjoining neighbours with regard to noise.

- Parking

Officer response: The application has been reviewed by KC Highways and an objection has been submitted due to the plans not being scalable on site and access arrangements not being considered acceptable.

7. Conclusion

This application for Conversion of outbuilding to dwelling and associated works at 176, Huddersfield Road, Westtown, Dewsbury, WF13 2RN has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Builders Design Guide, the National

Planning Policy Framework and other material considerations. Given the harm in terms of residential amenity and Highway Safety, the proposed development is considered to be unacceptable.

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 development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse

Decision Authorisation - Delegated Powers

Application Number: 2025/91802

Officer Recommendation: REFUSE

Reasons

1. By reason of its proximity to the rear of No. 178 Huddersfield Road, the proposal would result in an unacceptable level of overlooking both to the occupiers of no.178 and the future occupiers of the proposed dwelling. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, The Housebuilders Design Guide Supplementary Planning Document and chapter 12 of the National Planning Policy Framework.

2. The proposed development fails to demonstrate that a satisfactory layout can be achieved as the proposed dwelling would not benefit from any outdoor amenity space, which undermines the quality of residential accommodation and fails to meet the functional needs of future occupants. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, Principle 17 of the Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

3. The proposed development fails to demonstrate that the site can be safely accessed or that an adequate layout can be achieved on site. To permit the proposals would be contrary to Policies LP21, LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan			16/01/2025
Site Plan			16/01/2025
Grouped plans and elevations			29/09/2025

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. Discussions were held with the applicant regarding the design of the scheme and the location of habitable room windows; however, whilst progressing the application other concerns arose such as site layout, access and insufficient separation distance between neighbouring dwellings. The application was therefore progressed.

