

**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:	2025/62/92336/E
Site Address:	32, Brewery Lane, Thornhill Lees, Dewsbury, WF12 9DZ
Description:	Demolition of existing garage and erection of two storey rear extension and loft conversion with front dormer extension
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.

John Holmes

AUTHORISED OFFICER

Date: 21-Oct-2025

OFFICER REPORT

Site Description

32 Brewery Lane is a stone built, end terraced property with a small, enclosed area to the front and a yard to the rear which currently hosts a detached grimston style garage.

The surrounding area is residential with a mix of house types and age.

Description of Proposal

The applicant is seeking permission to remove the garage and erect a two storey rear extension and a front dormer.

The front dormer would be centrally located within the front roof plane with a width of 2.6m and a height of 2.3m. The plans indicate that the dormer would be clad with vertically hung tiles.

The rear extension is proposed to project 3m from the original rear wall of the dwelling, extending across the width of the property with a perpendicular pitched roof form.

The walls would be constructed using stone with tiles for the roof covering.

Relevant Planning History

None

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. There are concerns with both visual and residential amenity of both the proposed front dormer and the two storey rear extension. Amended plans have not been sought.

Representations

The application was advertised by site notice, which expired on 06/10/2025

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
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
-

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
- 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 (Local character and street scene) – *‘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.’*

Key design principle 2 (Impact on the original house) – *‘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 detail.’*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

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 on to 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 proposals consist of two elements which shall be considered below.

Front dormer

Paragraph 5.26 of the House Extensions & Alterations SPD requires consideration of the wider area and surrounding buildings when considering whether a front dormer is appropriate. Dormers should be well-designed and small in scale, specifically stating the following:

To assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street. Traditional vertical dormer windows usually complement the character and roof pitch of the existing house and will normally be acceptable. Modern flat roof dormers may be considered acceptable if they are well-designed, small in scale and appearance and are characteristic of the street scene.

The proposed front dormer would form a prominent addition on the principal roof slope, undermining the original roof form. The use of vertically hung tiles, although matching existing materials, does little to mitigate its visual impact or ensure architectural harmony with the host dwelling. Its siting, and material treatment would result in a noticeable and incongruous addition. With no comparable features in the surrounding area, the dormer appears out of place, detracting from both the visual amenity and the established character of the locality.

Rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The proposal seeks to replace a modest, low-level detached outbuilding—currently occupying a substantial portion of the rear yard—with a two-storey rear extension that spans the full width of the dwelling and projects 3 metres. Unlike the existing garage, which maintains a low profile and minimal visual impact, the proposed extension introduces a significant vertical emphasis that risks overwhelming the limited outdoor space. While it is acknowledged that the garage already covers much of the yard, its scale and form are far less intrusive than the proposed development. The extension would result in the near-total coverage of the rear yard, raising concerns about overdevelopment on a constrained plot. Although the materials and detailing are designed to match the host dwelling, the overall massing and height of the extension could disrupt the established character and visual amenity of the property and its surroundings.

Having taken the above into account, the proposed front dormer and rear extension raise concerns regarding its impact on visual amenity, both in relation to the host dwelling and the wider street scene. The scale, form, and layout of the dormer and the extension appear disproportionate to the modest plot size, and the vertical emphasis introduced by the two-storey design undermines the sense of subservience expected in such additions. As such, the proposal fails to comply with Policy LP24 of the Kirklees Local Plan, particularly part (a), which requires development to respect the form, scale, and layout of buildings and spaces. Furthermore, the extension does not convincingly align with part (c), as it does not present a clearly subservient addition in keeping with the existing building. The proposal also conflicts with Key Design Principles 1 & 2 of the House Extensions & Alterations SPD, and would be contrary to policies within Chapter 12 of the National Planning Policy Framework, which promotes well-designed places that respond appropriately to their context.

Whilst it is noted that some level of development could be undertaken by utilising permitted development rights, this would be limited by the restriction to ensure no more than 50% of the amenity space is utilised. Furthermore such additions would be of a more limited size / scale. Therefore whilst weight can be afforded the existing situation / potential pd fall back it is considered this would be limited as a factor which weighs in favour of the development proposal the subject of this application.

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.

Key Design Principle 3 states that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours

Key design principle 4 sets out that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.

Key design principle 5 relates to overshadowing/loss of light and details that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.

Key design principle 6 seeks to ensure developments preventing overbearing impact and that extensions and alterations should not unduly reduce the outlook from a neighbouring property.

There are no properties to the south side which could be affected by the works proposed given the nearest property to the south has a side elevation facing the proposal with only one, small window in the side elevation which does not appear to be a habitable room.

Impact on 30 Brewery Lane

The dormer would be set up within the existing roof plane and would result in no overlooking, overshadowing or overbearing.

The proposed extension would be constructed along the shared boundary with the adjoining dwelling, introducing a substantial new mass at first-floor level. While the ground floor replaces an existing garage, it's important to note that the garage is significantly lower in height than a typical ground floor extension, and therefore has a much more limited impact in terms of overbearing and overshadowing. The new extension, by contrast, introduces a taller and more dominant structure, particularly problematic given its southern orientation, which means overshadowing and overbearing effects are likely to be most pronounced during the middle of the day when sunlight is strongest. Although the closest neighbouring openings are a bathroom window and a rear door, the modest size of the rear yard intensifies the sense of enclosure and loss of amenity, making the impact more severe. The absence of overlooking windows does not mitigate the physical dominance and detrimental effect on the neighbour's enjoyment of their outdoor space. The orientation of the site adds to the impact given the development would be to the south of the this property

With regards to the impact on the adjoining 30 Brewery Lane, 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 21 Nursery Street

The proposed two-storey rear extension would replace an existing detached garage, introducing a significant vertical increase that intensifies its impact on neighbouring properties. The separation distance between the application site and the dwelling to the rear is approximately 16 metres, which already falls below the recommended 21 metres typically sought to protect privacy. The extension would bring habitable room windows, including a bedroom and bathroom, into a more prominent position at first-floor level, increasing the potential for overlooking and loss of privacy.

While the existing urban and terraced character of the area does result in closer relationships between properties, this context does not justify further

erosion of amenity. The height and massing of the extension, rather than its footprint, are the primary concerns, as they introduce a more direct and elevated line of sight into neighbouring gardens and windows. Given the modest size of the rear amenity spaces, this change would result in a materially harmful impact on privacy and outlook, contrary to the principles of good design and neighbourly development.

With regards to the impact on the neighbouring 21 Nursery Street, 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.

Having reviewed the proposal in detail, it is considered that the development would result in a detrimental impact on the residential amenity of neighbouring occupants. The increased height and massing of the extension, combined with limited separation distances and constrained garden sizes, would lead to unacceptable levels of overlooking, overshadowing, and overbearing for the adjoining neighbour and the property to the rear. Consequently, the scheme is not compliant with Policy LP24(b) of the Kirklees Local Plan, Key Design Principles 3, 4, 5 & 6 of the House Extensions & Alterations SPD, and the provisions of Chapter 12 of the National Planning Policy Framework, which collectively seek to safeguard neighbour amenity and promote contextually appropriate development.

Given the existing situation at site, it is considered the LPA could not substantiate a reason for refusal on the basis of impact to the amenity space provided by the development and the proposal is acceptable having regard to principle 7 of the SPD.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

The proposals will not result in any significant intensification of the domestic use and it is noted there is parking undertaken around the site including land to the south. The host property currently has a large garage structure providing one off street space which would be lost although it is not considered the impact of this would substantiate a reason for refusal given the character of the host property / wider locality where a lack of in curtilage parking is typical / to be expected. Waste storage could still be undertaken within the curtilage.

As such the scheme would not represent a harmful impact in terms of highway safety and as such is concluded to comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

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 erect a dormer to the front and a two storey extension to the rear of 32 Brewery Lane 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 front dormer would form a prominent and incongruous addition to the principal roof slope, undermining the original roof form and detracting from the visual amenity and established character of the locality. Its siting, scale, and material treatment fail to achieve architectural harmony with the host dwelling and appear out of keeping with the surrounding area. The

development is therefore contrary to Policy LP24(a) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The proposed two-storey rear extension, by spanning the full width of the dwelling and introducing a significant vertical increase, would result in the near-total coverage of the rear yard and constitute overdevelopment of a constrained plot. Its height and massing would appear visually dominant and out of scale with the modest outdoor space, causing harm to the character and visual amenity of the property and its surroundings. The proposal is therefore contrary to Policy LP24(a) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The proposed two-storey rear extension, by virtue of its height, massing, and southern orientation, would result in an unacceptable level of overshadowing and overbearing impact on the adjoining property at 30 Brewery Lane. The replacement of a low-level garage with a significantly taller structure would intensify the sense of enclosure and materially harm the neighbour's enjoyment of their modest rear amenity space. The development is therefore contrary to Policy LP24(b) of the Kirklees Local Plan, Key Design Principles 5 and 6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The proposed two-storey rear extension, by virtue of its increased height and massing, would result in a materially harmful impact on the privacy and outlook of neighbouring 21 Nursery Road. The reduced separation distance of approximately 16 metres, combined with elevated habitable room windows, would intensify overlooking and erode residential amenity. The development is therefore contrary to Policy LP24(b) of the Kirklees Local Plan, Key Design Principles 3 & 6 of the House Extensions & Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

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: 2025/92336

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed front dormer would form a prominent and incongruous addition to the principal roof slope, undermining the original roof form and detracting from the visual amenity and established character of the locality. Its siting, scale, and material treatment fail to achieve architectural harmony with the host dwelling and appear out of keeping with the surrounding area. The development is therefore contrary to Policy LP24(a) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.
2. The proposed two-storey rear extension, by spanning the full width of the dwelling and introducing a significant vertical increase, would result in the near-total coverage of the rear yard and constitute overdevelopment of a constrained plot. Its height and massing would appear visually dominant and out of scale with the modest outdoor space, causing harm to the character and visual amenity of the property and its surroundings. The proposal is therefore contrary to Policy LP24(a) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.
3. The proposed two-storey rear extension, by virtue of its height, massing, and southern orientation, would result in an unacceptable level of overshadowing and overbearing impact on the adjoining property at 30 Brewery Lane. The replacement of a low-level garage with a significantly taller structure would intensify the sense of enclosure and materially harm the neighbour's enjoyment of their modest rear amenity space. The development is therefore contrary to Policy LP24(b) of the Kirklees Local Plan, Key Design Principles 5 and 6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.
4. The proposed two-storey rear extension, by virtue of its increased height and massing, would result in a materially harmful impact on the privacy and outlook of neighbouring 21 Nursery Road. The reduced separation distance of approximately 16 metres, combined with elevated habitable room windows, would intensify overlooking and erode residential amenity. The development is therefore contrary to Policy LP24(b) of the Kirklees Local Plan, Key Design Principles 3, 4 & 6 of the House Extensions & Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	1102825	26/08/2025
Proposed site plan	-	1102826	26/08/2025
Existing & proposed elevations	-	1102828	26/08/2025
Existing & proposed floor plans	-	1102827	26/08/2025

Plan Type	Reference	Web ID	Date Received
Climate change statement	-	1102829	26/08/2025

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. There are concerns with both visual and residential amenity of both the proposed front dormer and the two storey rear extension. Amended plans have not been sought.

Report Dated

21/10/2025