

**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:	2025/62/92501/E
Site Address:	162, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 0RS
Description:	Formation of vehicular access
Recommending Officer:	Morgan Braithwaite

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: 15-Apr-2026

OFFICER REPORT

Site Description

162, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 0RS is a two-storey terraced dwelling faced in stone. The property benefits from a small area of amenity to the front and rear of the property. It is noted that the dwelling does not benefit from off-street parking provision, nor do other dwellings within the street scene.

The dwellings which form the street scene are similar in scale, appearance and material palette. The area is predominantly residential with access to local amenities.

Description of Proposal

The applicant seeks permission for the formation of vehicular access. This would be located to the front of dwelling, and measure 3.9m in depth with a width of 4.7m.

The existing amenity space is flagged, while the proposed surfacing material is tarmac.

History of Negotiations/Amendments

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. The proposal is not considered acceptable; due to the nature of the proposal and the constraints of the site, no amendments were sought.

Relevant Planning History

2000/91175 - Erection of detached garage. Conditional full permission

Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice.

Final publicity date expired: 13th October 2025

No representations were received as a result of the publicity.

Consultation Responses

KC Highways DM

A Kirklees Council Highways Officer was consulted regarding the application. KC Highways DM object to the proposal due to the impact on the footway and safe use.

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. 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
- **LP2** – Place shaping
- **LP21** – Highway Safety and Access
- **LP 22** Parking
- **LP 24** – Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Supplementary Guidance

Kirklees Highways Design Guide SPD

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 of the Kirklees Local Plan (KLP). NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In terms of extending and making alterations to the property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development is considered unacceptable in principle due to its design and the physical constraints of the site and therefore does not accord with the relevant policies stated above.

2) Impact on visual amenity

Key Design Principle 1 of the House Extensions and Alterations supplementary planning document (SPD) state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

The works to the front of the dwelling include the removal of a stone wall, metal fencing and gate, in addition to the existing stone flagging being removed and replaced with tarmac. The loss of amenity space to the front of the property is harmful to both the character of the host dwelling and the wider street scene. Furthermore, as the access is onto a classified road the formation of an access requires planning permission.

The wall and fencing to the front of the site are considered positive characteristics of the street scene. The repetition of these features at regular intervals creates a pattern and a point of visual interest within the street scene. The removal of these and the formation of vehicular access to the front of the application property would result in the removal of these and would thereby have a detrimental impact upon visual amenity of the host dwelling, the frontage of the property, as well as a disruption to the rhythm of the terraced row and character of Lees Hall Road.

The works to facilitate access and parking are harmful to the character of the host dwelling, wider street scene, detrimental to visual amenity, not complying with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the HEASPD, and Section 12 of the NPPF.

3) 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 proposal should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect of Key Design Principle 3 on privacy, Key Design Principal of overshadowing/loss of light, Key Design Principal 6 on preventing overbearing impact and Key Design Principal 7 for outdoor space.

While the proposal does not see any increase in projections or height added to the application property itself, it would see the loss of outdoor space. To the rear of the property, a detached garage consumes a large portion of the rear amenity space, therefore, amenity space to the front of the property should be retained where possible. The proposal would also disrupt the uniformity of the street scene; if a vehicle was to be parked in this space, there is the potential that there may be temporary loss view from the ground floor windows of the adjacent properties.

In summary, the proposal may have some impact with regards to visibility from the ground floor windows of neighbouring dwellings and would disrupt the character of the street scene. However, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers in terms of overlooking, overshadowing/loss of light or overbearing impact.

4) Impact on highway safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance. Of note is paragraph 5.15 of the Highways Design Guide SPD which refers to the dimensions of parking spaces. This sets out that spaces should be 5.6 metres where they are to the front of a garage unless there is a retractable door and in that instance the space should be 5.0 metres. These dimensions are to prevent vehicles overhanging the footway and are relevant to this application.

The area to the front of the property proposed for parking provision measures a maximum of 3.9m in depth and a width of 4.8m. The required depth for parking to safely accommodate a vehicle is a minimum of 5.0 metres as set out in paragraph 5.15 of the Highway Design Guide SPD, as such Kirklees Highways Development Management have objected to the proposal on highway safety grounds. The depth of the space is not considered adequate to safely accommodate a vehicle and would result in vehicles overhanging the footway to the detriment of pedestrian safety and other road users.

As such, the development is not acceptable and would be detrimental to highway safety and cannot be supported contrary to the Highway Design Guide SPD, Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework. Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. There are no specific details within the submitted plans for the storage or presentation of waste. Any bin storage to the front will further restrict the parking of vehicles.

5) Other matters

Carbon Budget

The proposal is a small-scale 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.

6) Representations

The application was advertised by neighbour notification letters which expired on 13th October 2025.

No representations have been received as a result of site publicity.

7) Conclusion

The formation of vehicular access to 162, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 0RS has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations 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 Governments view of what sustainable development means in practice.

As set out above, 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: 2025/92501

Officer Recommendation: Refuse

Conditions and Reasons

Reason(s) for Refusal

1. The removal of the stone wall and gate/fencing, as well as the replacement of the stone flagging with tarmac, would be detrimental to the character of both the host dwelling and the wider street scene. This is due to the interruption to the pattern and rhythm of the street scene and the character of the host dwelling, contrary to Policies LP1, LP2, and LP24 of the Kirklees Local Plan, and Key Design Principle 2 and paragraph 4.43 of the Kirklees House Extensions and Alterations SPD.
1. The formation of the vehicular access would result in a parking space of insufficient depth to accommodate a vehicle, and would result in vehicles overhanging the footway, to the detriment of pedestrian and highway safety, contrary to Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Kirklees House Extensions and Alterations SPD, the Kirklees Highway Design Guide and paragraph 116 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Plan Reference	Web ID	Date Received
Location Plan	-	1104882	11/09/2025
Proposed Site/Block Layout	-	1104883	11/09/2025

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it

was considered that the proposal was beyond the scope of amendments for approval.