

**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:	<b>2025/62/92537/E</b>
Site Address:	130, Bywell Road, Dewsbury, WF12 7LL
Description:	Demolition of existing garage and erection of detached garage
Recommending Officer:	Morgan Braithwaite

**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: 03-Nov-2025**

## **OFFICER REPORT**

### Site Description

130, Bywell Road, Dewsbury, WF12 7LL is a two-storey semi-detached dwelling faced in red brick. The property benefits from a small amenity space to the front (northeast) of the property as well as a larger amenity space to the rear (southwest). A driveway can be located to the side (north) of the property, leading to a detached single garage.

The dwellings that form the street scene are similar in appearance, scale and are constructed of a similar material palette. The area is predominantly residential, with local amenities within close proximity to the applicant property. It is also noted that a sub-station is located to the south side of the application site.

### Description of Proposal

The application has been received for the demolition of an existing garage and the erection of a detached double garage. The existing garage spans approximately 4.9m in length and approximately 5.1m in width, featuring a flat roof which is approximately 2.2m in height. The proposed garage however would see an increase in both length width and height. It is proposed that a structure measuring 6.5m in length and 7m in width would be constructed and feature a pitched roof with a maximum ridge height of 4.8m and an eaves height of 2.7m.

The proposed garage is to be constructed of red brick with grey roof tiles. A uPVC door shall be located to the northern elevation of the garage, while a uPVC window is to be located to the southern elevation.

### History of Negotiation/Amendments

No negotiations were undertaken as part of this application.

### Relevant Planning History

2024/92161 – The erection of a single and two storey rear extension, first floor side extension with carport below and rear dormer extension. Refused.

2024/93029 - The erection of a single and two storey rear extension, first floor side extension with car port below and rear dormer extension. Conditional Full Permission.

2024/93595 – The erection of a single storey rear extension. Prior notification not required.

### Representations

The application was publicised by site notice (publicity period ended 13<sup>th</sup> October 2025).

No representations were received as a result of site publicity.

#### Consultation Responses

None required.

#### 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
- **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 2023, 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 and beautiful places

### 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) Conditions
- 7) Conclusion

#### 1) Principle of development

The site is without notation of 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 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 acceptable, and the proposal shall now be assessed against all other 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

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. Furthermore, Key Design Principle 2 of the HEASPD goes onto state that extensions should not dominate or be larger than the original dwellinghouse and should be in keeping with the existing building in terms of scale, materials, and details.

The proposal would see the demolition of an existing garage and the erection of a new garage within the same footprint. The proposal is to be single storey in scale and constructed of materials matching that of the existing. It is further noted that there are other dwellings in the area with garages to the rear.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale, and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building. Furthermore, the proposal would also follow the guidance on outbuilding set out in Section 5.6 of

the HEASPD which states *'wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building.'* The outbuilding should also be subservient in footprint and scale, set back from the building line as well as maintaining reasonable private amenity space (following the general principal that no more than 50% of garden space should be lost).

### 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 Principle 5 of overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Design Principle 7 for outdoor space.

#### Impact on 128, Bywell Road, Dewsbury, WF12 7LL

No.128 is the adjoining dwelling to the north of the application property. The proposal shall be erected in the footprint of an existing structure and shall remain single storey in scale and be constructed of matching materials.

As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

#### Impact on 132, Bywell Road, Dewsbury, WF12 7LL

There is approximately 14.8m between the side (south-east) elevation of the applicant property and the side (south-west) elevation of no.132. The proposal shall be erected in the footprint of an existing structure and shall remain single storey in scale and constructed of matching materials. There is a significant separation distance between no.132 and the location of the proposal. It is further noted that the proposal would be partially screened by the established hedges which form a boundary treatment between the two dwellings. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

### 4) Impact on highway safety

The proposal would not result in the intensification of the domestic use of the property and would not see any loss of existing parking provision.

Therefore, the proposal would not represent any additional harm in terms of highway safety and as such, complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

### 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

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

#### 7) Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials condition

#### 9) Conclusion

The proposed demolition of a single detached garage and the erection of a detached double garage at 130 Bywell Road, Dewsbury, WF12 7LL 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 constitute sustainable development and is therefore recommended for approval.

**Recommendation**                      **Conditional Full Permission**

**Decision Authorisation – Delegated Powers**

**Application Number:** 2025/92537

**Officer Recommendation:** Approve

#### Conditions and Reasons

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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external facing and roofing materials of the extension 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, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** So as to protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

**NOTE:** All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National

Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**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 the works may be carried out.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Plan Reference</b>	<b>Web ID</b>	<b>Date Received</b>
<b>Location Plan</b>	Location Plan	1105111	08/09/2025
<b>Grouped Plans and Elevations</b>	S01B_Outbuilding Plans and Elevations	1105112	08/09/2025
<b>General</b>	Climate Change Statement	1105110	08/09/2025

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

No alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 22/10/2025