

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:	2025/62/93564/E
Site Address:	45, Old Mill View, Thornhill Lees, Dewsbury, WF12 9QJ
Description:	Demolition of existing conservatory and erection of single storey rear extension with associated alterations
Recommending Officer:	Morgan Braithwaite

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 30-Mar-2026

OFFICER REPORT

Site Description

45, Old Mill View, Thornhill Lees, Dewsbury, is a two-storey detached dwelling faced in red brick. The property benefits from ample parking provision to the front of the property, along with a double garage; however, it is noted the garage has been converted to living accommodation. A large area of amenity space is located to the side and rear of the property due to the property's location being within a corner plot on the perimeter of the site.

The dwellings which form the street scene are somewhat similar in appearance, scale and material palette. The area is predominantly residential with access to a variety of local amenities. It is noted that the River Calder is located to the north, west and south of the site, along with a smaller industrial estate located to the south and a larger industrial estate located to the south-east.

Description of Proposal

The application seeks planning permission for the demolition of an existing conservatory and the erection of a single storey extension with associated alterations. The proposed extension is to project 5m beyond the rear and span a width of 10m. The proposal is to feature a flat roof with a maximum height of 3m. Windows are to be located to the north and south elevations, while two bi-fold doors are to be located to the south elevation.

The proposed materials shall match that of the existing dwelling, with the exception of the roof of the proposed extension. The flat roof is to feature a membrane flat roof covering.

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. As the proposal was considered acceptable, no amendments were sought.

Relevant Planning History

2001/91784: Erection of conservatory – Conditional Full Permission

2017/93004: Alterations to convert integral garage into living accommodation – Conditional Full Permission

2018/90707: Non-material amendment to previous permission 2017/93004 for alterations to convert integral garage into living accommodation – NMA Refused

2018/91153: Erection of first floor Juliet balcony – Conditional Full Permission

2025/93177: The proposal is for erection of single storey rear extension. The extension projects 5.06m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3m, the height of the eaves of the extension is 3m – Refused

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 March 2026

No representations were received as a result of the publicity.

Consultation Responses

No consultations have been requested as part of the planning process.

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

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 Planning Guidance

- House Extensions and Alterations SPD (June) 2021

Legislation

The Town and Country Planning Act 1990 (as amended).

Section 38(6) of the Planning Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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.

Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that: The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be

approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. 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”.

There are no policy restrictions which would render the principle of a extending the existing residential property. The proposal must now be assessed against the further material considerations below.

2) Impact on visual amenity

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application. Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The applicant seeks permission for the erection of a single storey rear extension. The extension is to form a subservient addition to the property, which would remain in keeping with the existing dwelling in terms of its scale, layout and appearance. The proposed extension is to be constructed of materials, matching that of the host dwelling; therefore, retaining the character of the existing property and that of the townscape.

It is noted that the proposal does not comply with the HEASPD in terms of its projection. The SPD stipulates that a single storey extension to a detached dwelling should not exceed 4m in projection. It is proposed that the extension is to project 5m beyond the rear wall of the existing dwellinghouse. However, in this circumstance, the proposal is considered acceptable due to the property’s location to the west of the site, on a corner plot to the perimeter of the site. The proposal would not overlook any dwellings to the north, east and west; no.43 is located to the south. Furthermore, both no.43 and the application property have existing conservatories/extensions to the rear. As such, when considering the proposal alongside that of the existing projections and the orientation of each

property in relation to each other, the additional 1m in excess of the HEASPD requirement is acceptable in this instance.

The proposal will be constructed with a flat roof. Whilst this is not of a design that is usually considered acceptable, the flat roof will be broken up by lanterns and the end use to provide required facilities for the existing occupiers is considered to outweigh any notable harm in this instance.

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.

3) Impact on residential amenity

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.
- Principle 4 – 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.”
- Principle 5 – that: “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.
- Principle 6 – that: “extensions and alterations should not unduly reduce the outlook from a neighbouring property.”

No.43 is the neighbouring dwelling to the south of the application property. The proposal is to be single storey in scale, constructed of matching materials, along

with being partially screened by the boundary treatment separating the dwellings. It is noted that both the application property and no.43 have existing projections, however, the proposal would be larger than that of the existing at either property. Notwithstanding the proposals larger projection, it is considered that due to the position of the proposal in relation to the neighbour and the use of a flat roof will all act to mitigate any significant harm in this instance.

No.47 and no.48 are both located to the north-east of the application property. Due to their location and relationship with the application dwelling and therefore the proposal; which is located to the west. The host dwelling, therefore, screens no.47 and no.48 from the proposal.

It is therefore considered that the proposal does not represent any issues relating to overlooking, overshadowing/loss of light or overbearing impacts.

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 Principles of the House Extensions and Alterations SPD.

4) Impact on highway safety

Policies LP21 and LP22 of the Kirklees Local Plan and policies within 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.

The proposal sees no alteration to existing parking provision, nor does it see the addition of any further bedrooms.

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

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 pre-dates 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.

Bats

The property is located within a Bat Alert layer in the council's GIS system. A note has been added advising of how to proceed should bats be encountered on site.

6) Representations

No representations were received as a result of site publicity. The proposal was advertised by site notice, with the public consultation period ending 13th March 2026.

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.

Contamination not previously identified.

9) Conclusion

The application to demolish the existing conservatory and erect a single storey rear extension with associated alterations at 45, Old Mill View, Thornhill Lees, Dewsbury, WF12 9QJ 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 Government's 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: 2025/93564

Officer Recommendation: Conditional Full Permission

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 where possible or if not matching the existing, materials should match those submitted

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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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.

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: -

Plan Type	Plan Reference	Version	Date Received
Location Plan	-	-	08.01.2026
Existing Elevations	EX ELEVATIONS 450MV/02	-	08.01.2026
Existing Floor Plans	EX PLANS 450MV/01	-	08.01.2026
Proposed Elevations	PR ELEVATIONS 450MV/04	-	08.01.2026
Proposed Floor Plans	PR PLANS 450MV/03	-	08.01.2026
Flood Risk Assessment	FRAHH and Minor FRA form 8-1-2026	-	08.01.2026
Climate Change Statement	Climate Change Statement	-	08.01.2026

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.

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

Report Dated: 24th March 2026