

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:	2026/62/91372/E
Site Address:	5, Cemetery Road, Westtown, Dewsbury, WF13 2SE
Description:	Change of use and alterations to convert existing basement to self-contained apartment
Recommending Officer:	Elenya Jackson

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.

John Holmes

AUTHORISED OFFICER

Date: 15th July 2026

Officer Report

Site Description

5, Cemetery Road, Westtown, Dewsbury, WF13 2SE is a two storey structure (plus a basement), which is an end of terrace property in Dewsbury, Huddersfield. The property is mainly finished in stone which is characteristic of the immediate building group. The property has a large area to the east and south which is used for shared parking and amenity space for the properties in the terrace row.

The property is located on the southern side of Cemetery Road and there is no development immediately across from the site. The surrounding area is predominantly residential and the neighbouring properties vary in design but are predominantly finished in stone.

The site has recently received planning permission for the change of use of the upper floors of the building into two apartments

Description of Proposal

The application is seeking planning permission for aforementioned basement to convert it into an apartment.

This would be facilitated by the addition of additional 5 additional windows in the south-west elevation of the building and the removal of existing tiles on the southern elevation and the application of render. (Officers acknowledge that the previous application on site stated the stone work underneath the removed tiles would be made good).

History of negotiations/amendments received

Relevant Planning History

2025/62/92283/E: Change of use and alterations to convert existing residential property to 2 apartment. Full conditional permission.

Representations

The application was advertised by neighbour letter and publicised online. Final publicity expired 23.06.2026

No comments received

Consultation Responses

KC Highways DM informal – no objections.

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 site is within an area with a known presence of bats and an area identified as being at low risk of land instability as a result of former mining activity. The most relevant policies for consideration in this case are:

Kirklees Local Plan:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity

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 (adopted 29th June 2021)
- 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

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.

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.

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.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

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.”

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

The proposal would see an increase in the density of residential properties upon the site by 1.no dwelling. As such it is considered the proposal would have an acceptable impact in regard to density.

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 dwelling. As such, the principle of creating a new dwelling in this location is considered to be acceptable, meeting the requirements of the aforementioned policies.

2 – Impact on visual amenity

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district.

The proposed development would require minimal alterations to the exterior of the property. The removal of the existing tiles would be acceptable and it is acknowledged that the use of render is not characteristic of the building; however, officers consider that this would be limited in location and not overly prominent from the public realm. Officers would recommended the removal of permitted development rights to ensure the rest of the building is not rendered; however, as the site would become flats, they would not benefit from the same permitted development rights as a standard c3 dwelling and it is not considered necessary as a result. However, for clarity, officers shall condition that the render is limited to where the tiles have been removed.

The introduction of additional windows is not considered to have a significant visual impact given their design is largely in keeping with the character of the existing building.

The host property is a largely individually designed building in the locality and subject to condition to details of the rendering is agreed with the LPA prior to its use, it is considered the development would have an acceptable visual impact.

Having taken the above into account, the proposed development 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 and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

7 Cemetery Road: is attached to the application property to the north-east. Overlooking: The proposal would create an additional look out on the southern side of the property; however, it is considered that this would not create any additional surveillance compared to the existing windows to the property.

Overshadowing/loss of light/overbearing: The proposal would not increase the width or depth of the proposal; therefore, no significant issues would be raised regarding overshadowing/loss of light or overbearing.

2-4 Quarry Road: adjoins the application site to the west.

Overlooking: The proposal would not create an additional point of outlook from the property, would not create any additional surveillance compared to the existing windows to the property and would not reduce existing separation distances.

Overshadowing/loss of light/overbearing: The proposal would not increase the width or depth of the proposal and the roof alterations would be limited in scale, set within the exiting roof plane and away from no.2-4. Therefore, no significant issues would be raised regarding overshadowing/loss of light or overbearing.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines 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. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

National space standards require the following gross internal floor areas:

- 1 Bedroom, 1-person dwelling set over 1 storeys-37(39) square metres
- 1 Bedroom, 2-person dwelling set over 1 storeys-50 square metres

The proposed flat would have one bedrooms would have an area of approx. 50m² which would exceed the minimum levels required.

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.

It is considered that there is shared open space to the south of the dwelling and it is therefore considered to have suitable usable and private outdoor amenity space. Therefore the proposal is considered to accord with Principle 17.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 and LP52 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, and the National Planning Policy Framework.

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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The proposed development would result in an additional single bedroom apartment. In which case a parking space per property is required.

Officers have reviewed the application on 8/07/2025 with KC Highways who have raised no objection to the proposal as there is sufficient space on site for one additional parking.

Furthermore the site is in a sustainable and accessible location which is realistically able to be utilised by occupiers solely reliant upon public transport. As such the proposal is considered to be acceptable in this regard.

The plans demonstrate bin storage on site and as the site operates as an existing dwelling, it is considered the proposed scheme would be acceptable. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

Climate Change

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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

In this case, the proposal is for alterations to the existing structures on site it has not been considered necessary to request further details of measures to be undertaken in this regard and those set out in the submitted detail (such as energy efficient lighting, water efficient plumbing / use of thermostatic heating controls) are considered to be sufficient.

Biodiversity

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, in this instance, a bat survey has not been requested to support the application as the existing roof plane is to remain intact.

The applicant is reminded that, it is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat, it is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. An informative note advising of this and that all contractors on site should be made aware of this requirement is recommended.

Due to the proposal not increasing the footprint of the building, the site qualifies as a de minimus exemption in relation to the statutory requirement for BNG and therefore no further details are required in this regard. The small scale of the proposal would not raise any significant impacts to existing

vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD and LP30 of the Kirklees Local Plan.

6 - Representations

- N/A.

7 – Conclusion

This application to convert the basement of the building into one apartment at Cemetery Road, Westtown, Dewsbury, WF13 2SE been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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

Approve

Decision Authorisation - Delegated Powers

Application Number: 2026/62/91372/E

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 Policies LP1, LP2, LP21, LP22, LP24 & LP30 of the Kirklees Local Plan, Key Design Principles of the Housebuilders design guide SPD and Chapters 2 and 12 of the National Planning Policy Framework.

3. Prior to installation, details of proposed render shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details prior to being brought into use and retained as such for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with the policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the approved plans, the location of the render shall be limited to the south-western elevation of the building only and shall be retained as such for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with the policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: All Bats and their roosts are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017. It is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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	Reference	Version	Date Received
Location plan and Site Plan	01	A	20.05.2026
Existing and proposed plans	02	A	20.05.2026
Climate Change Statement			20.05.2026

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 2015 and otherwise actively engaged with the applicant in dealing with the application. No amended plans requested.