KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2026/61/91449/E**
Site Address:	42, Church Lane, Thornhill, Dewsbury, WF12 0JZ
Description:	Reserved matters application pursuant to outline permission 2024/92353 for erection of annex and detached dwelling including associated demolition and works
Recommending Officer:	Elenya Jackson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 28-Jul-2026

Officer Report
Reference No. 2026/91449
Site Address: 42, Church Lane, Thornhill, Dewsbury, WF12 0JZ
Proposal: Reserved matters application pursuant to outline permission 2024/92353 for erection of annex and detached dwelling including associated demolition and works

Site Description

42, Church Lane, Thornhill, Dewsbury, WF12 0JZ is currently occupied by a single storey red brick detached dwelling. The site benefits from its own driveway, a large rear garden and is set back from the highway by a small amount of amenity space.

The immediate street scene is predominantly residential in nature with dwellings following a consistent building line. Dwellings in the street scene are not uniform in appearance; however, the material palette is predominantly consistent.

The site has previously received outline planning permission for access and layout of the site for the erection of annex and detached dwelling including associated demolition and works.

This application seeks approval for appearance, landscaping and scale as access and layout were approved on the previous outline approval.

Description of Proposal

The proposal is a reserved matters application pursuant to outline permission 2024/92353 for the erection of residential development with appearance, landscaping and scale being sought for.

The proposed dwelling would be 1.5 storeys in height and visually would appear similar to the existing dwelling on site with the exception of two box dormers on the side elevation of the property, a single storey rear extension which would extend beyond the side elevation of the dwelling to provide a garage. The dwelling would have a height of 5.6m a depth of 15.7m and feature a hipped roof. The final materials for the building have not been provided as part of this application.

The proposed annexe would have a height of 4.5m and a width of 9.1m and hipped roof and be located on the southern boundary of the site.

History of negotiations/amendments received

N/A

Relevant Planning History

2024/92353: Outline application for Erection of Annex and single detached dwelling. Conditional outline permission.

Representations

The application was advertised by site notice, which expired on 23rd July 2026 as a result of the above publicity, no representations have been received.

Parish/Town Council Comments

Not Applicable.

Local Ward Members

Not Applicable.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

N.A

Planning Policy Background

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

Kirklees Local Plan Policies

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**

- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP20 – Sustainable Travel**
- **LP21 – Highway Safety**
- **LP22 – Parking Provision**
- **LP24 – Design**
- **LP30 – Biodiversity and Geodiversity**
- **LP51 – Protection and Improvement of Local Air Quality**

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 4** - Decision-Making
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 8**- Promoting Healthy and Safe Communities
- **Chapter 11** - Making Effective Use of Land
- **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

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.

Other Guidance Documents:
- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

Paragraph 12 of the NPPF and LP1 of the Kirklees Local Plan 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.

The dimensions of sustainable development will be considered throughout the proposal. 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 states that*: "All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below..."*

The principle of residential development has already been established via the granting of outline permission, reference 2024/92353 which this permission is pertinent to and will be not, therefore be assessed again. However, this reserved matters application will consider appearance, landscaping and scale of the development against the current local and national policy frameworks and supplementary planning documents.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby Paragraph 131 provides a principal consideration concerning design which states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: "a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

Paragraph 133 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, considering any local design guidance and supplementary planning documents such as design guides and codes. Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals will be expected to respect and enhance the local character of the area by: - Taking cues from the character of the built and natural environment within the locality. - Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details. - Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."*

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The proposed dwelling would be 1.5 storeys in height which is considered in-keeping with development in the street scene as properties.

Principle 15 of the House Builders Design Guide refers to rooflines and states that rooflines should relate well to the site context, including topography, views, heights of buildings and the roof types.

It is considered that the proposal would have two box dormers on either side of the roof plane which would be visually prominent from the public realm. Officers note there are no further examples of dormers within the immediate building group of the property and therefore the introduction of two box dormers would be out of keeping and erosive to the character of the area and would not be consistent with roof forms in the area. Officers consider that the design of the proposed dormers are a very large and dominant structure which would visually appear as the dwelling having a flat roof at first floor level which would not be considered poor design and fail to integrate with the character of the area.

Officers have considered the design of the dwelling in the context of the existing dwelling and note that similarities can be drawn between the two properties; however, officers would not approve extensions of such design to the host property due to them being out of keeping with the character of the area and a poor design and failing to integrate with the host property. Therefore this would not be a fall back justification in this instance.

Officers have not requested a revision to the scheme in this instance as the dormers contain two bedrooms which would require a substantial re design of the main building for them to be occupied within the main building.

The finishing materials of the building have not been clarified at this stage; however details of the proposed materials and product specifications could be secured via condition and it is not considered that materials would warrant a reason for refusal in this instance.

As layout has previously been agreed on site, the proposal would generally respect the existing building line. In terms of footprint and massing, the property would not be out of keeping with the neighbouring dwellings given that there is already a degree of variation in the street scene.

The application site is of a sufficient size to support a dwelling as this is currently the use of the site, it is considered appropriate to include a condition (should planning permission be granted) removing permitted development rights for any additions to ensure the site does not become overdeveloped.

No details of boundary treatments have been provided other than that they would be retained as existing and therefore officers are unable to assess if the boundary treatments would be in keeping with those in the immediate street scene, it is considered that a boundary treatment could be secured via condition to ensure they are appropriate for the context of the area.

Annexe

As previously discussed, the proposal would also include a single storey annexe in the rear garden of the host dwelling. It is considered that this would be set back from the public realm and set back within the plot which would limit its prominence in the street scene and would result in it not being largely visible from wider vantage points.

The annexe is simple in design, and it is considered that it would not compete with the host property visually and would be read as an ancillary addition to the dwelling. The roof forms would respect the character of the development on site and the footprint is considered appropriate for its use. It would be

considered appropriate to recommend a condition to ensure the annexe remains ancillary to the host property to ensure a satisfactory site layout is maintained should the development receive planning permission.

The proposed materials, whilst not overly visible from the public realm are considered acceptable for the use of the building and its location and can be conditioned to ensure they are appropriate for the site and the context of the area.

The design of the annexe is considered to accord with LP24 of the Kirklees Local Plan.

Conclusion

Due to the design of the host dwelling. it is therefore considered that the development would be an inappropriate design and would be read within the street scene as poorly designed later addition which fails to respect the existing character of the area. The proposal would fail to accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state that alterations to existing buildings should: *"…maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."*

The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and

- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

40 Church Lane: adjoins the application site to the north.
Overlooking: The proposal would have one side facing window at ground floor severing a bathroom and high level windows serving a bedroom. Officers consider this bathroom window could be obscured via condition and would not raise any concerns regarding overlooking. It is considered that the proposed annexe would be sufficient distance away to not raise any significant concerns regarding overlooking.
Overshadowing/loss of light: No.40 does not have any side facing windows at ground floor level and has one side facing roof light. It is considered that the rooflight is angled away from the proposal and no significant issues would be raised regarding overshadowing/loss of light or overbearing.

44 Church Lane: adjoins the application site 20m to the south. It is considered that due to the separation distance between the proposal and no.44, no significant issues would be raised regarding the residential amenity of the occupiers of no.44.

2 Frank Lane: Adjoins the application site to the south-west.
Overlooking: The rear of the proposed annexe would face onto the rear garden of no.2 and would not feature any windows for habitable rooms. There is one rear facing window which could be obscured and the main dwelling would be a significant distance away and not have a direct relationship with no.4 Therefore, no significant issues would be raised regarding overlooking.
Overshadowing/loss of light/overbearing: The proposed annexe would be single storey and set over 16m away from the main dwelling at no.2 and the main dwelling would be set beyond that. Therefore, no significant issues would be raised regarding overshadowing/loss of light or overbearing.

It is considered that once occupied the dwelling and annexe are unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. Therefore, should the application be approved, a footnote is recommended limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in

terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that: *'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'*

National described space standards require the following gross internal floor area for a two-storey dwelling:

- 4 Bedroom, 5-person dwelling set over 2 storeys -97 square metres
- 4 Bedroom, 6-person dwelling set over 2 storeys – 106 square metres
- 4 Bedroom, 7-person dwelling set over 2 storeys – 124 square metres

The proposed floor plans show that the dwelling would have 4 bed spaces and therefore is required to have a minimum internal floor space of 97m^2. The main dwelling would have an internal floor space of 151m^2, which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, private outdoor amenity space is proposed to the west and off-road parking would be located to the south of the dwelling.

Officers have reviewed the annexe, and it is acknowledged that this would be ancillary to the main dwelling but it would still provide habitable accommodation for a future individual. The annexe would have a footprint of 42m2.

National described space standards require the following gross internal floor area for a one storey one bed dwelling

- 1 Bedroom, 1-person dwelling set over 1 storeys -37(39) square metres (dependent on if the accommodation has a shower or a bath).
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For these reasons, it is considered that the proposal would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers in accordance with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135 (f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This is a reserved matters application pursuant to outline permission 2024/92353 (access, layout) for custom/self-build residential dwelling.

Vehicular Access

An access has previously been agreed as part of the outline permission.

Any works required to the highway works required to provide the new access should be done under a s184 agreement, and the applicant is advised to contact the Kirklees Street scene team as soon as possible to arrange this.

Internal Layout

Parking for three vehicles has been provided on site as part of the outline application and as the site has four bedrooms this is considered appropriate. Therefore, the internal layout is acceptable and the approved vehicle parking areas will need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Waste Storage and Collection

A bin collection/presentation point has been provided a part of the outline which does not obstruct the adopted highway or the driveway.

These proposals are therefore considered acceptable.

On this basis, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

Other matters were assessed and determined under the outline planning application 2024/60/92353/E. However, for completeness these are referred to below:

Coal Mining Legacy/contaminated land

The application site is located within a low-Risk Area as defined by the Mining Remediation Authority and as such a condition is recommended relating to the unexpected discovery of contaminated land. The imposition of a condition to this effect, will ensure that the development accords with Policy LP53 of the KLP and guidance contained within Chapter 15 of the NPPF. This was added to the outline permission.

Ecology & Biodiversity

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 b) 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 193 a) of the NPPF 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.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

At outline stage, a condition was added requiring details of soft and hard landscaping were provided at reserved matters stage, ecological enhancement, a CEMP (Biodiversity) and a further bat survey.

The submitted block plan does not provide details of planting on site, and the submitted details do not consist of the previously conditioned details.

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191,192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

The proposal has been demonstrated on the application form to be a self-build and therefore meets one of the exemption criteria for BNG.

However, as, previously highlighted, the proposal does not include the previously conditioned details and the previously agreed conditions remain outstanding.

It is considered that subject to conditions, the proposal would comply with policies LP30 and Principle 9 of the SPD.

Drainage

The site is not within a flood zone but in accordance with LP27 of the Kirklees local plan, the surface water drainage strategy for the site shall be developed in accordance with the hierarchy . Therefore a condition is recommended to this effect in accordance with LP27, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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 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.

Due to the nature of the scheme, this being a proposal providing one additional residential unit, it is considered that one electric vehicle charging point should be provided to aid in the contribution to climate change and accord with Policy LP51 of the Kirklees Local Plan.

5. Representations

No representations were received during the course of the application.

6. Conclusion

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 not constitute sustainable development and is therefore recommended for refusal.

Recommendation: REFUSE
Decision Authorisation - Delegated Powers
Application Number: 2026/61/91449/E
Officer Recommendation: Refuse
Reasons

1. The dwelling proposed, in particular its poorly designed roof and dormers, would fail to respect the character within the street scene and would be viewed as a later addition that poorly relates to the prevailing character of the street scene and wider area by reason of its out of keeping design and prominence within the street scene. The development is contrary to policies LP2, LP24 of the Kirklees Local Plan, Key Design principles 1 and 2 and 15 of the Council's adopted House Builders Design Guide Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	01		7/05/2026
Grouped plans and elevations	01	A	30/06/2026
Annexe	03	B	30/06/2026

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. In this case, the design of the original scheme has been found acceptable. Officers have not requested alterations to the application as the proposal would require substantial revisions to the design of the proposal to occupy the first-floor bedrooms.