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:	**2026/62/91500/E**
Site Address:	Rks Solicitors Ltd, 71, Daisy Hill, Dewsbury, WF13 1LT
Description:	Change of use from solicitors office (Class E) to four self-contained residential flats (Class C3), including replacement shopfront, erection of front and rear dormers, pitched roof to existing rear extension and associated external alterations (within a Conservation Area)
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.

John Holmes

AUTHORISED OFFICER

Date: 3rd August 2026

Officer Report

Site Description

Address: Rks Solicitors Ltd, 71, Daisy Hill, Dewsbury, WF13 1LT

The application relates to a three-storey, mid terrace retail unit on Daisy Hill in Dewsbury. The site is located within Dewsbury Town Centre, outside of the primary shopping area, as outlined within the Kirklees Local Plan. The property is within Dewsbury Town Centre Conservation Area. The site is surrounded by a mixture of residential and commercial properties.

Description of Proposal

The application is seeking planning permission for the Change of use from solicitors' office (Class E) to four self-contained residential flats (Class C3), including replacement shopfront, erection of front and rear dormers, pitched roof to existing rear extension and associated external alterations (within a Conservation Area).

The proposal would remove the shop front at ground floor level and replace it with two front doors and a window and the infilling of the space.

The re-roofing of the single storey rear projection with a pitched roof that would not increase the overall maximum height of the building (its maximum height would be 3.2m).

The erection of a rear dormer which would have a width of 7.4m and a height of 2.6m and project 5.4m

The front dormer would have a width of 4m and a height of 2.1m and project 4.1m

Officers note that the structures to the rear of the building have been re-built however, this has not been included as part of this application.

History of negotiations

No amendments were sought or provided.

Relevant Planning History

No relevant planning history.

Representations

The application was advertised by site notice, in the press and was publicised online due to being located within a conservation area. Final publicity expired 23rd July 2026.

No representations were received in response to the above publication.

Consultation Responses

N/A

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 located within Dewsbury Town Centre and Dewsbury Conservation Area as outlined within the Kirklees Local Plan.

The following policies are considered relevant to the consideration of this application:

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP13** – Town Centre Uses
- **LP15** – Residential use in town centres
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP35** – Historic Environment

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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 7 – Ensuring the Vitality of Town Centre
- Chapter 12 – Achieving well-designed places

- Chapter 16 – Conserving and enhancing the built environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Kirklees Housebuilders Design Guide SPD (2021).
- National Design Space Standards

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity and historic environment
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

The site is without notation on 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. The proposal is for the change of use of a retail unit to a residential flat with a single storey rear extension.

The application site is recorded as being located within Dewsbury Town Centre and Dewsbury Conservation Area as outlined within the Kirklees Local Plan.

Housing Density

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 chapter 2 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".

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Town Centre Use

The site falls within Dewsbury Town Centre and therefore, Policy LP13 of the Kirklees Local Plan is relevant. The policy encourages development that supports a strong, diverse economy that serves the local community by encouraging the vitality and viability of existing town centres. Paragraph 90 of the National Planning Policy Framework supports a mixed-use town centre that includes housing to grow and strengthen town centres.

Policy LP15 provides guidance for the development of residential uses within defined town centres. It states that residential uses within the defined town centres will be supported subject to:

(a) the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses
(b) the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;
(c) the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area, s
(d) the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;
(e) the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;
(f) the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;
(g) provision of affordable housing in accordance with policies set out in the Local Plan; and
(h) the provision of refuse storage and collection"

Policy LP18 states that Dewsbury Town Centre will be a place of vibrancy, vitality, and diversity, with a mix of uses to attract visitors and provide new space for town centre living.

The application site is not located within the primary shopping area or within a primary shopping frontage however the existing ground floor does host a retail shop frontage. The proposal relates to a street which hosts predominantly commercial uses at ground floor level. The nearby commercial uses are predominantly retail use with an active shop frontage.

The existing town centre use and shop frontage and its location within the middle of the active shopping frontage and commercialised shop front is considered to serve as a significant visual link in defining Dewsbury Town Centre. The loss of the ground floor town centre use / frontage to residential use would have a significant impact on the centre as a whole and setting a precedent for conversion could result in a cumulative impact which would significantly alter the appearance and use of the town centre.

Limited details have been provided with regard to the recent history of the building, or specifics of how long it has been vacant, and why it is considered that there is no option other than to convert the use of the building to residential. It is not clear from the information submitted that all reasonable efforts have been made to preserve the ground floor of 71 Daisy Hill as a retail unit or as another use falling within that which is defined as a ‘main town centre use’.

LP13 outlines that “proposals that have a significant adverse impact on the vitality and viability of a centre or compromise the role and function of a centre will not be supported.” The loss of a main town centre use could only be permitted where it is evident that there are material considerations which clearly indicate that the element of the scheme which does not accord with the development plan is outweighed by those considerations. In this case, section 2.2 of the heritage statement sates that the building was last used as a commercial unit in 2013 and has been vacant since; however, it has not been demonstrated to what extent the continuation of a main town centre use has been sought to be secured / provided. Officers have reviewed google imaging of the site and have been unable to demonstrate that an attempt to advertise the site has been made. In 2014 all advertisements were removed on site, and boarding was applied in the location of the shop window. Since this time, the site has been left vacant.

However, officers are taking a recent appeal decision at no.42 Daisy Hill into consideration; APP/Z4718/W/25/3369792 whereby the planning inspectorate concurred with officers that the proposal would fail to accord with policy LP15 of the Kirklees local place which requires the protection and retention existing ground floor retail uses at ground floor uses within town centre that are also both within and outside the primary shopping centre.

It is noted that the proposal would lead to a provision of residential accommodation and this is a factor which can be afforded some weight in

favour of the scheme. However, this is weighed against the loss of the ground floor of the building as a main town centre use, the prominence of this building in the identified centre and the role/contribution this plays in relation to the centre and the use for commercial purposes within the Conservation Area.

Therefore, for the reasons set out above, the adverse impacts of granting permission and the loss of a ground floor retail unit within Dewsbury Town Centre would not outweigh the benefits of providing additional housing. The application is therefore considered to be contrary to policy LP13 and LP15 of the Kirklees Local Plan and Chapter 7 of the NPPF.

2 – Impact on visual amenity and historic environment

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.132 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 site is within the Dewsbury Town Centre Conservation Area.

The National Planning Policy Framework states “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”

Paragraph 208 of the National Planning Policy Framework states “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

This is supported by LP35 of the Kirklees Local Plan which states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

Visually, the shop front forms a key part of Daisy Hill and Dewsbury Town Centre and as such from a visual amenity perspective it would be preferred that the retail unit is retained. However, this is not a reason for refusal that could be justified on its own.

The proposal would include alterations to the single storey rear element of the proposal to feature a pitched roof which would be considered an acceptable alteration.

Finally, the proposal would include the introduction of a dormer on the front and rear of the dwelling. Officers consider that the scale of the dormers in the

context of the host properties roof plane and in due to there being no other examples of dormers or dormers of such a scale are currently located within the vicinity, and roof planes remain largely uninterrupted.

As, LP35 of the Kirklees local plan states, *development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.*

The dormers the subject of this application are considered to be of a scale which would be considered an overly dominant design and not an in keeping characteristic of the sites location in a sensitive setting and therefore the proposal does not preserve the character of the host property or wider locality / Conservation Area.

Paragraph 213 – 215 of the NPPF, outlines that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the development.

It is noted the development provides additional living space for the future occupiers of the site; however, it is considered these are factors which can be afforded minimal weight and do not constitute public benefits which outweigh the less than substantial harm which arises from the development.

As a result, the development is not considered to comply with the aforementioned policies and cause less than substantial harm within the Conservation Area, failing to preserve its setting and having a detrimental visual impact on the host property and wider locality.

Having taken the above into account, it is considered that the proposed development would fail to integrate with the character of the area, would dominate the roof space of the host property in a sensitive location and in turn would result in harm to the application property, the wider street scene or the historic character of the area, complying with Policy LP24 and LP35 of the Kirklees Local Plan and the aims of chapter 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states 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 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Housebuilders Design Guide sets out 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 text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- For a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

The proposed dwelling is considered to retain existing separation distances between properties and would not result in any significant harm to the residential amenity of neighbouring residents.

Impact on future occupiers

The amenity of the future occupiers must also be considered. 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."*

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. Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

'*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 space standards require the following gross internal floor:

1 Bedroom, 1-person dwelling set over 1 storeys – 39 (37m2) square metres
1 Bedroom 2-person dwelling set over 1 storey- 50 square metres
2 Bedroom, 3-person dwelling set over 1 storey- 61m2
2 Bedroom. 4-person dwelling set over one storey-70m2

The proposed dwelling would accord with space standards and would be considered acceptable in this regard.

Turning to the internal layout of the flats, it is noted that there are two flats at ground floor level. The dwelling in the front of the building would face onto Daisy Hill and has two windows which would serve the whole apartment.

Kirklees' Housebuilders Design Guide SPD, dated June 2021 (SPD), sets out what the Council considers to be good residential design. Principle 6 says Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking, similarly principle 16 requires a high standard of amenity for future occupiers.

The proposed bedroom area is located to the back of the room away from the windows, which would mean the outlook and natural light from that window would likely be very restricted and harmful to the living conditions of its future occupiers. As a result, there could also be a need for more artificial light into the bedroom. The application has not been supported by a daylight assessment and officers cannot be certain it would receive adequate light to the whole of the bedroom. To the front elevation, the outlook from the windows would be dominated by the row of tall buildings opposite, which would also harm the outlook for future occupiers of the proposed flat, who would likely feel significantly enclosed. Given its ground floor location within the town centre, it is also accepted that future occupiers may choose to use blinds or other privacy measures, which would likely add to the poor outlook from its living space

In addition, the rear flat has a dining room which does not benefit from any fenestration which would mean the outlook and natural light into the room would be poor and harmful to the living conditions of its future occupiers.

It is therefore considered that cumulatively the impact of the lack natural light and lack of outlook for the ground floor flats would result in a substandard level of amenity for future occupiers. This fails to comply with LP24 of the Kirklees Local Plan, chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

<u>4 – Impact on highway safety</u>

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.” Policy LP21 of the Kirklees Local Plan echoes this. Policy LP22 of the Kirklees Local Plan relates to parking provision.

The site is accessed via Daisy Hill, parking provision has been provided for four vehicles, and the site is located within Dewsbury Town Centre and therefore provision is considered acceptable in this instance.

No specific details of bin storage or collection of waste have been provided. The Council’s Waste Team state they have no objection to the proposal subject to conditions requiring these details to be provided. Given the extent of the red line boundary and land within the site which could accommodate wastes it is considered the storage of waste can be suitably accommodated and its presentation for collection undertaken such that it would not cause an unacceptable obstruction to access and highway safety. Any approval would be subject to conditions to ensure such arrangements / measures are secured.

Therefore, the proposal scheme is considered to fail to comply with the recommendations in the Highways Design Guide and policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

Biodiversity

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted application form sets out that the scheme is exempt under the de-minimis exemption because the application relates to the change of use of an existing building and with no habitat to be altered as part of the proposal. The case officer considered this exemption applicable as put forward by the applicant within the application form. The development is therefore considered to benefit from the de-minimis exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no requirement for BNG to be provided in respect of the aforementioned legislation.

The proposal therefore complies with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD.

There are no other matters for consideration.

6 - Representations

No representation was received.

7 – Conclusion

This application for the change of use from solicitors office (Class E) to four self-contained residential flats (Class C3), including replacement shopfront, erection of front and rear dormers, pitched roof to existing rear extension and associated external alterations (within a Conservation Area single story rear extension at Rks Solicitors Ltd, 71, Daisy Hill, Dewsbury, WF13 1LT has been assessed against relevant policies in the development plan as listed in the policy section of the report, the Housebuilder's Design Guide SPD, the National Planning Policy Framework and other material considerations.

The principle of removing a main town centre use and shop frontage within Dewsbury Town Centre is considered to cause harm to the vitality and viability of the town centre and visual amenity. As well as this, the cumulative impact of the lack of sufficient floor space, natural light, lack of outlook and overlooking harm would result in a substandard level of amenity for future occupiers.

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation **Refusal**

Decision Authorisation - Delegated Powers

Application Number: 2026/62/91500/E

Officer Recommendation: Refusal

Reasons for refusal

1. The proposed development would result in the loss of a 'main town centre use' to the ground floor of 71 Daisy Hill. This application has failed to demonstrate that the proposal would not harm the viability and vitality of Dewsbury Town Centre and is therefore contrary to Policies LP13 and LP15 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.

2. The development would result in an insufficient level of natural light and poor outlook for future occupiers of the proposed ground floor dwellings. The scheme therefore fails to ensure a high standard of amenity to future occupants, contrary to Policy LP24 of the Kirklees Local Plan, Chapter 12 of the NPPF and principles within the Housebuilders Design Guide SPD.

3. The proposed external alterations to the roof would dominate the roof space of the host property, fail to integrate with the character of the area and materially detract from the character and appearance of the Dewsbury Town Centre Conservation Area. There are no public benefits to outweigh the less than substantial harm to the setting and character of Dewsbury Town Centre Conservation Area. To permit the development would be contrary to Policies LP15, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and the requirements of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

Plans and specifications schedule: -

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	2616-04	-	8/06/2026
Existing and proposed elevations	2616-03	-	8/06/2026
Proposed floor plans	2616-02	-	8/06/2026
Climate Change Statement		-	8/06/2026
Heritage statement			8/06/2026

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 2015 and otherwise actively engaged with the applicant in dealing with the application. It is considered that amendments to the scheme would require significant alteration to the development proposal to address the reasons for refusal and therefore no amended plans were sought in this instance.